THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE

Rethinking the Concept of Order in International Politics: Carl Schmitt and Jürgen Habermas

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DECLARATION

I certify that the thesis I have presented for examination for the MPhil/PhD degree of the London School of Economics and Political Science is solely my own work other than where I have clearly indicated that it is the work of others (in which case the extent of any work carried out jointly by me and any other person is clearly identified in it).

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ABSTRACT

The concept of order in international politics, despite its very frequent use in all strands of IR literature, is seldom explicitly addressed as an object of analytical reflection and definition, and remains often opaque. This research aims to clarify the nature of order as a concept within IR theory, by highlighting its constitutive elements and by positioning it within the horizon of current political-philosophical and sociological discussions. This thesis starts with a literature review showing the limitedness of the ways in which order is employed as a concept in many IR theoretical works, while underscoring its critical problematisation as the main path towards its clarification. Following and integrating Nicholas Rengger's seminal work on the topic, this research argues that the concept of order, which entails the double nature of a descriptive/explanatory but also normative account of reality, has to be understood within a philosophical discussion of the political, lying between the two poles of political theology (Carl Schmitt) and the sociological theory of secularisation (Jürgen Habermas).

While introducing and discussing the two authors, this thesis illustrates the roles which they have assumed in inspiring IR theoretical work (in critical theory), pointing at the limits of their established readings within the discipline and offering new perspectives, which should essentially rely on a more direct critical politicisation of the sacred. This thesis proceeds with an exploration of the problem of order in the modern condition, through a reconstruction and a discussion of the common Weberian genealogy in both Schmitt and Habermas, focusing on the importance of the sociology of religion for the conceptualisation of the political in modernity (Schmitt) and of the concepts of rationality and rationalisation (Habermas) respectively. Against this background, a critique of the Habermasian view on secularisation is developed, as Habermas's argument appears to be an incomplete answer to the problem of the symbolic relations between the religious and the political, and hence of his conceptualisation of political order, a problem which is also reflected at the level of international politics.

Note: translations of original texts in this thesis are done by the author unless otherwise specified.

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CONTENTS

INTRODUCTION

This thesis addresses the question of how to better define and frame the concept of order in international political theory. Order is indeed a very recurrent term, which is routinely employed in practically all strands of IR studies, although interestingly, this widespread use in the literature does not correspond to an equally important attention dedicated to its conceptual definition and clarification. The starting point of this research is therefore the mapping of the ways in which order has been conceptualized, first in the domain of philosophical reflections, and subsequently in the specific context of international studies. Following a seminal study by Nicholas Rengger on the topic, an analysis of the relevant literature shows how the concept of order, which contains a normative-prescriptive as well as a constitutive dimension, may be grasped eventually as the problem of identifying the foundations upon which order has to be built. The modern historical evolution of the concept of order in its transition from ancient and medieval formulations has been marked by the increasing deconstruction of those concepts and beliefs, which for centuries have provided relatively stable foundations for various formulations of order. These processes of deconstruction have left order in modernity without an undisputed foundation for its formulation.[1] Consequently, this research is in its essence an attempt to clarify the possible trajectories opened up by this situation and excellently summarized by the central question of Rengger's work on the topic, namely: "can order be meaningful at all, in the absence of something — God's plan, History, Nature — which guarantees it?"[2] The clarification of this question leads to an enquiry in the role of religious, particularly theological, ideas and narratives of politics, with special attention to the relevance of theological concepts in sociological and political discussions. This research identifies Carl Schmitt and

[1] Paul G. Kuntz (ed.), *The Concept of Order*, Seattle: University of Washington Press, 1968.

[2] Nicholas Rengger, *International Relations, Political Theory and the Problem of Order*, London: Routledge, 2000, page 9.

Jürgen Habermas as the two authors who may better represent the two poles between which the answer to the question of order's foundations may be articulated. On the one hand in fact, one possible radical orientation consists in the possibility of reconstructing order by explicitly re-introducing theological and metaphysical concepts into the theorisation of political order. The work of Carl Schmitt consequently appears of utmost importance in this perspective, as he most explicitly envisaged and theorized the constitutive link between theology, politics and law in many of his works, particularly *Political Theology*[3] and *Roman Catholicism and Political Form*.[4] This research investigates therefore the way in which Schmitt has built his argument with reference to political order from both a domestic and international perspective, and the role that his work is currently playing within contemporary IR literature.

On the other hand, the radically alternative possibility is that of looking for ways of reinstating a discourse of rationalisation of the religious, therefore defending the idea that political order in the modern era *presupposes* the rational deconstruction of the religious and the metaphysical. In the domain of IR critical theory, this research identifies Jürgen Habermas as the thinker who has defended most openly and profusely the idea that order in modern politics ought to be grounded on some form of *secularisation* with the consequent overcoming of theological and theology-derived concepts.[5]

The core argument of this thesis is that the answer to the question of order as framed within the context of IR theory can be formulated only through a *problematisation* of order and subsequently through a re-engagement with the critical assessment of the role of religion, and especially of theology, for the construction of social and political orders. This has to be contrasted with ways of understanding order in IR theory, which either take for granted what order is, or what is meant to be,

[3] Carl Schmitt, *Politische Theologie. Vier Kapitel zur Lehre von der Souveränität*, Berlin: Duncker & Humblot, 1934 (originally published in 1922).

[4] Carl Schmitt, *Römischer Katholizismus und politische Form*, Stuttgart: Klett-Cotta Verlag, 2008 (originally published in 1921).

[5] Jürgen Habermas, *Theorie des kommunikativen Handelns*, Volume I, Frankfurt am Main: Suhrkamp Verlag, 1981, especially the section "*Einige Merkmale des mythischen und des modernen Weltverständnisses*", pages 72–113.

thus avoiding the intellectual problem of its definition, or do not go deeply enough into the philosophical research of the core elements, which constitute the essence of any conception of order. To the first category, it is possible to inscribe all theories which, following Rengger's taxonomic exercise, consider order as a problem to be managed.[6] The management of order, which may occur through the search for equilibrium in the struggle for power (balance), through forms of socially shared procedures, values and practices (institutions, notably diplomacy and international law) and through the establishment of international organisations, is in its essence a way in which order escapes problematisation and can consequently be hidden from the scope of theoretical investigation. By reducing order to "balance" and its management, or to the "values" which are supposed to underpin the establishment and maintenance of certain international institutions and organisations, the concept of order becomes fragmented in a multiplicity of technical sub-questions which contribute towards enhancing its opaqueness instead of paving the way towards its clarification.

However, other strands of IR theory have instead looked at the question of order as one entailing the challenge of defining its constitutive elements and problematising its nature by trying to avoid misleading shortcuts.[7] These strands of IR theory, which are from the perspective of this research the most interesting, are those characterised by a critical, self-reflective nature, where the epistemological presuppositions and normative implications of theoretical work have to be constantly put under rational scrutiny and explicitly brought to the surface precisely in order to avoid the opaqueness characteristic of ideology as false consciousness.[8] However, the construction of critical theories implies in turn the solution of complex questions revolving around the nature and the tools to be employed in exercising *critique*. From the perspective of the question of order, those critical theories have attempted a problematisation of order, either in the direction of overcoming current orders as arrangements of reality (in terms of distribution of power and

[6] Rengger, *The Problem of Order*, pages 35 ss.
[7] Rengger, *ibidem*, pages 143 ss.
[8] Raymond Geuss, *The Idea of a Critical Theory: Habermas and the Frankfurt School*, Cambridge: Cambridge University Press, 1981, page 12.

resources) for the sake of emancipation as liberation from alien domination and oppression, or in the sense of underscoring the limits themselves of the question, namely by exploring whether it is really a meaningful exercise to talk about order and to use it as a category of thought within international studies.

Whether order remains opaque and underinvestigated and solely subjected to practices of management, or becomes problematised, the interesting point to be highlighted at this juncture is that IR as a discipline, particularly in its theoretical strand, not only has largely neglected an explicit conceptualisation of order, as already mentioned, but in doing so it has also largely disregarded the rather rich literature about order which does exist in other intellectual domains, especially in philosophical reflections on a large variety of topics: stretching from cosmological and cosmogonical discussions in antiquity through to the methodological, epistemological and political discussions of modern philosophers. Even a limited review of the philosophical literature on the topic of order reveals how this concept has from the start been linked to debates revolving around the existence of the universe, nature, and therefore also the nature of human collective existence (i.e. political). Indeed for most of antiquity, and up until Augustine, Aristotle's theory of order remained prominent, whereby nothing in nature can be unordered, order being as eternal as the universe (*kosmos*) and its nature (*physis*). Order is nothing else but the supreme good, which exists both separately from the *kosmos* (i.e. the Aristotelian idea of God), but also, and this is what Aristotle means by order of *taxis*, immanently in the world: precisely as the order of a rank of soldiers is both immanent in their disposition, and separated from them in the person of their commander. Already from the very start, therefore, the idea of order has been substantially shaped by early reflections coming from the perspective of a philosophical theology.[9]

It was only with Augustine that the new Christian philosophical thought started to differentiate itself sensibly from the previous classical theories of order. Augustine examined the problem of evil, namely the justification of its existence in the world, which may not be compatible with a theory of complete immanence un-

[9] Helmut Kuhn, "*The Case for Order in a Disordered Age*", in Paul Kunz, *op. cit.*, pages 442–459.

der the presupposition of the Christian idea of God as supreme moral good. Evil is then conceptualised as the absence of good (and of the immanent God) as *privatio boni*.[10] The articulation of a philosophical theory of order had therefore to accommodate, at least from Augustine onwards, the reconciliation of theological, moral and cosmological theories, a balance which thinkers have tried to keep throughout the Middles Ages up to the modern era. Modernity has brought a much more problematic relation with order by mirroring the difficult relation which has been emerging between the picture of the world and nature as formulated by modern science, the deconstruction of theological narratives of history, ethics and politics, and eventually the attempts to entirely free the construction of human social and political orders from the very idea of God.

This investigation about the nature of order in IR aims therefore at bridging the gap between the philosophical debates on order and the way in which the discipline has so far neglected this theoretical concept. The recovery of this philosophical and theological dimension, as mentioned above, is articulated through the study of Carl Schmitt as the author who champions the explicit inclusion of the theological in the theorisation, but also in the study, of politics (and of international politics as well) and of order within politics, and of Habermas, who has put forward and defended an idea of order in international politics grounded on a philosophically aware conceptualisation which takes into account theological thought in the context of his theory of rationality (the founding principle of Habermasian order), but eventually conceives modernity primarily as rationalisation and secularisation. A better understanding of the problem of order, therefore, has to begin by capturing the essence of the modern condition in the form either of a substantially failed (Schmitt) or successful (Habermas) secularisation of political concepts, and then to proceed through a discussion of the possible continued relevance of the theological in political thought.

For Schmitt, order can ultimately be conceptualised in a theological language as the *katechon*, the "something that restrains", i.e. keeps the precarious being of

[10] Augustine, *Enchiridion de fide et spe et caritate* III, 11: *"quid est autem aliud, quod malum dicitur, nisi privatio boni"*. Cf. *De civitate Dei* XI, 22: *"cum omnino natura nulla sit malum nomenque hoc non sit nisi privationis boni"* and *Confessiones* III, 7, 12: *"malum non esse nisi privationem boni usque ad quod omnino non est"*.

this world in existence, against the emergence of the Antichrist, the provisional advancement of the forces of evil and the final dissolution of the world with the second coming of the Christ and the Last Judgment. The important point to be retained in this formulation is indeed the transformation of the Weberian sociology of religion in a political theology for the explanation of legal and political concepts, and consequently the permanence of theological concepts, although disguised, in the context of political and legal theories of the state and of law.

For Habermas, order in international politics, as largely for any social domain, lasts on the stratification of knowledge spurred by rationalisation practices which, following his interpretation of Weber, have been historically proceeding as a rationalisation of metaphysical, religious and therefore theological accounts of the world. In this sense therefore, the true, rational order is based on the overcoming of theology, its imagery and its language, through what Habermas terms the linguistification of the sacred (*Versprachlichung des Sakralen*), i.e. the progressive clarification of the opaqueness of metaphysical to rational investigation by continuous questioning of the validity claims on which metaphysical accounts of the world are based and the successive stratification of their critique.[11] Particularly important is the application of these social processes to the political and legal domain, where Habermas is able to trace the regression of theology-derived narratives of legitimation and sovereignty in favour of narratives of law proceeding from rational conceptualisations of social and political life (secularisation), especially evident in popular sovereignty, democratisation, constitutionalisation of fundamental rights and the internationalisation of such instances.

The study of Schmitt, in comparison to the study of Habermas, presents a number of methodological issues which have to be explained and dealt with. While Habermas's theoretical work, largely formulated between the 1960s and the 1990s, may certainly still be considered as contemporary to today's reader, needing therefore a rather limited effort for its historical contextualization, Schmitt is an author who wrote the bulk of his literary production between the 1920s and the 1940s, in

[11] Jürgen Habermas, *Theories des kommunikativen Handelns*, Volume II, Frankfurt am Main: Suhrkamp Verlag, 1987, especially the section "*Die rationale Struktur der Versprachlichung des Sakralen*", pages 118–169.

a context and within an historical horizon in many ways very different from the current one. Against the widespread tendency to read Schmitt outside his historical and intellectual context, this research articulates a reading of Schmitt which intends to interpret his work by avoiding the double mistake of misplacement and anachronism. Misplacement is here primarily understood as the way in which an author is read largely outside the context in which he was operating, and his work is immediately linked to audiences which were not the ones this particular author was referring to at the time of writing. Anachronism is a particular form of temporal misplacement in an author's interpretation, whereby the reader expects the author to contribute with his work to discussions, themes, and worldviews which were not there at the time in which that work came into being.[12] In the case of Schmitt, misplacement operates in a great number of cases which attempt to read him as a political theorist *tout court*, without any interposed filter.

This research highlights instead how Schmitt conceived himself always as a jurist, and how his work consists of contributions which are an integral part of the ongoing debates about the sociology of law against the background of a prevalent legal positivistic orientation in the German *Rechtswissenschaft*. While reading Schmitt directly as a political theorist may immediately lead to the creation of an image of this author as a "maverick," who conceived revolutionary writings little related to the rest of political theoretical discussions in the early twentieth century, with a more accurate contextualisation in the proper domain of legal sciences Schmitt simply appears to be continuing the work of the *Freirechtsbewegung*, Eugen Ehrlich and Max Weber's sociology of law. This of course does not mean that Schmitt's works have no political-theoretical implications, but only that easy transpositions from law to politics have to be careful and circumstantial. Misplacement also consists therefore in the mistake that Schmitt's ideas can be immediately considered as a political theory which may be directly used in other contexts, both social and historical.

[12] See David H. Fischer, *Historians' Fallacies: Toward a Logic of Historical Thought*, New York: Harper Torchbooks, 1970.

Temporal misplacement as anachronism occurs instead when Schmitt's ideas are immediately set against questions which pertain to the current world and its political landscape, which is of course very different from the one of the 1920s and the 1940s, almost in order to "test" the validity or the acceptability of Schmitt's theoretical work. It is of course not difficult to see for instance how much of Schmitt's work on international themes is permeated by the contingent struggle against Weimar and Versailles, or how his theory of the *Großräume* as the form of spacial re-organisation of the world after the dismissal of the fictional equality of the nation states is not something that anybody could easily and a-critically embrace in the early twenty-first century, since it was conceived in the early 1940s.[13]

The choice of Schmitt and Habermas as key authors for the discussion of the concept of order as developed in the present thesis, is justified against the historical reconstruction of the concept of order in the Western culture as arising from philosophical theology and its projections onto different theoretical domains, including the political one and therefore international politics.

Schmitt is in this context an author who offers a uniquely comprehensive reading of the issue. On the one hand, he is the current standard reference for the very concept of political theology, although, as it will be illustrated in Chapters 2 and 5, he was not the first one to elaborate this concept, as it emerged from on-going discussions in the domain between legal theory and sociology during the interwar period. Of course, Schmitt's political theology represents a particular way of formulating this very concept, which may be considered inaccurate from the viewpoint of a strictly theological perspective, overhauled by successive discussions and interpretations, and no longer entirely relevant for the specific goal of a theory of the state and law in today's social and political context, so different from that of 1920s Germany.

However, the Schmittian formulation can still be considered as valuable in the way in which it identifies the link between archetypical theological and political categories, and consequently offers a convenient and direct access to the prob-

[13] See Carl Schmitt, *Frieden oder Pazifismus? Arbeiten zum Völkerrecht und zur internationalen Politik 1924–1978*, Berlin: Duncker und Humblot, 2005.

lem of order at international level from the philosophical-theological perspective, which historically is, as it will be shown and argued, the most appropriate one. Furthermore, particularly in the context of critical IR theories, Schmitt offers the considerable advantage of being an author already well present, if not necessarily well integrated, in the domain of international studies. The flourishing literature on Schmitt and the number of IR scholars making use of his ideas testifies their vitality and continuous relevance.

The selection of Schmitt of a key author for this thesis relies therefore on the outstanding relevance of his work for the conceptualisation of order as emerging from the discussion of political concepts at the juncture between philosophy, sociology and theology, but also from the prominence which Schmitt has already acquired in critical IR studies. This thesis also aims at contributing to a better understanding of Schmitt and its relation to the IR discipline, as it will be illustrated in Chapter 2.

The choice of Habermas proceeds essentially from the consideration that, as already anticipated, while Schmitt has championed the recovery of the theological within political theoretical discussions about the state and the law, Habermas is the author of a vast work animated by the idea that the modern conceptualisation of politics, and of political order, has to start precisely from the overcoming of theological and metaphysical narratives. In this, of course, Habermas is not the only author to articulate such position, but he is certainly outstanding for both the breadth and depth of his position, as he has provided a philosophical system which, starting from the premises of a fully developed discussion of epistemology and communication theory, attempts to sketch a coherent theory of politics and law. Habermas's work is again widely used in international studies, particularly in critical IR theory, precisely for the sophisticated intellectual foundations which is able to provide to numerous contributions in this discipline.

In the context of twentieth century European intellectual history, Schmitt and Habermas represent very different, if not opposed views, and reflect in this the intellectual transformation of continental thought in the aftermath of the Second World War. However, while Schmitt in many ways epitomises an "old Europe" which has

been largely destroyed by the war, and Habermas a brilliant attempt of reconstruction, from the perspective of theorising order, and perhaps more broadly, both Schmitt and Habermas can be seen as the heirs of a sociological tradition going back to Max Weber. The interesting element here is that, while Schmitt and other intellectuals of his time were focusing on the recovery of the theological in the exploration of political themes, in the post war culture those discussions did not achieve the same level of attention as in the interwar period, and only fairly recently, with the so called resurgence of religion, the relation between religion (and theology) and politics has re-emerged as an important topic. Precisely in this context, the Schmitt–Habermas pairing acquires a different outlook, when considering that Habermas has in the last decade come back to the topic of religion in his theorisation of a democratic political system and society. It appears that the post war European political theory, particularly in its critical strand, had somewhat neglected the topic of religion, despite its prominence in the previous decades, in some sort of long detour, which has finally come to an end. The present discussion of the concept of order, constructed around the poles of a Schmittian and of a Habermasian understanding of the matter, intends to highlight precisely this detour. This is also reflected in the way in which, Schmitt has been read and interpreted in the context of critical theory, more specifically by the Frankfurt School and by Habermas in particular. This thesis argues (Chapter 4) that a problematic reading of Schmitt has contributed to the underestimation of the importance of critical reflections on the relation between religion and politics, especially considering the prominence of Habermas in the second half of the twentieth century and the influence his work has exerted on critical thinkers, particularly in the IR domain.

This thesis is articulated in five chapters. Chapter 1 provides in its first part an overview of the meaning of "order", and successively a review of its evolution within philosophical debates from antiquity to the twentieth century. In the second part of Chapter 1, a literature review is presented with the aim of illustrating the current state of the debate on the concept of order within IR theory, eventually highlighting the necessity of framing the issue of order in a discussion of political theology and the permanence of theological concepts in the secularised context of

modernity. Carl Schmitt and Jürgen Habermas are introduced as the two authors offering radical alternatives for an understanding of order within IR theory.

Chapter 2 concentrates on a reading of Schmitt which is informed by his contextualisation with reference to the legal theoretical debates he contributed to and the consequent formulation of his political theology out of a sociological grounding of law. The chapter provides a picture of Schmitt's conceptualisation of order in international politics and discusses the way in which his work has been received within IR literature.

Chapter 3 focuses on Habermas by providing an overview of his sociological and political theory, which leads to the articulation of a theory of international order. The chapter also discusses Habermas's direct interventions in the domain of international politics, and the relevance of his work within critical IR literature.

Chapter 4 discusses the relation between the two authors as Habermas's reading of Schmitt, which is developed through an analysis of the relevant literature both by and about Habermas, highlighting the problems inherent to Habermas's relation with Schmitt's work.

Chapter 5 explores the way in which both Schmitt and Habermas are related to Weber and his work on sociology of religion, secularisation and modernity. Particularly in the case of Habermas, his problematic relation to secularisation and the "resurgence of religion" is considered against the background of his engagement with the theologians.

Finally, the Conclusions recapitulate the findings of this research and their relevance for rethinking the concept of order in international politics.

1

ORDER AND CRITICAL IR THEORY

INTRODUCTION

The chapter is composed by two parts. Part One is dedicated to a brief philological description of "order" in its semantic dimension, followed by a more detailed account of the way in which this concept has been investigated by philosophers from antiquity to the late twentieth century. This account shall highlight the ways in which the idea of order has transformed in the history of philosophical thought, but it shall also provide a map of the related ideas and concepts which belong to the same constellation as order.

Part Two provides firstly an overview of the various IR authors who have contributed to a direct conceptualisation of order in the domain of international politics. As it emerges from the discussion of these authors, the concept of order has been seldom the object of an explicit analytical reflection, despite its almost ubiquitous relevance for IR studies. Consequently, by following the work of Nicholas Rengger, a re-ordering of the main strands of IR theory from the perspective of order is developed with the aim of showing the constitutive elements of the question of order in contemporary theoretical debate. This analysis concentrates more specifically on critical theory and introduces Habermas and Schmitt as the two authors who have managed to capture the essence of the problem of order as found in the relations between modernity, secularisation, and the permanence of the theological within political concepts.

PART ONE — WHAT IS ORDER?

1.1 A DEFINITION OF THE CONCEPT OF ORDER

1.1.1 *On the Meaning of the Word Order: a Brief Philological Introduction*

The English word "order" comes from the Latin *ordo* and possesses a wide range of different meanings, which have been evolving in different directions of specialisation for each particular domain in which the word has been employed, but without losing, very significantly, the attachment to a certain core of semantic value, which has travelled from antiquity to the present day.

Already in classical Latin,[1] the word *ordo* presents a number of uses which point to a more remote origin and a pre-existing path of differentiation and specialisation. According to the prevalent orientation in philological studies, *ordo* derives from the Indo-Germanic root **or*-, which may have indicated an upward movement (cf. the Latin verb *orior* to indicate the rising of the sun or other celestial bodies). It is possible that the original meaning in archaic Latin was related to the specialist language of weaving, where *ordo* indicated "a thread on the loom", and its necessarily regular and "ordered" disposition, without which the very activity of weaving becomes impossible. Hence it is not difficult to envisage how *ordo* came to indicate the abstract quality of any regular disposition of elements. Classical Latin writers therefore use the word with a variety of different meanings, e.g. a row of seats in the theatre or a line of soldier standing abreast (a rank, a body of men drawn up for battle), or a line or train of people, animals, vehicles. The use of this word in military jargon would prove to be particularly long lasting and it possibly gave rise to uses denoting the different political and social statuses of the Roman population. *Ordo* started to indicate the rank of soldiers in a military formation, or the formation itself (cf. Caesar *De Bello Civili* 2, 26: *auxilia regis nullo ordine iter fecerant* or Sallust *De Bello Jugurthino*. 45, 2: *ne quisquam ordine egredieretur*).

[1] Cf. Alois Walde, *Lateinisches Etymologisches Wörterbuch*, Heidelberg: Carl Winter's Universitätsbuchhandlung, 1938, third edition by J.B. Hoffmann.

Because of the relevance of the military role of different social classes in the Roman state, *ordo* began also to indicate the social class (*ordo senatorius*, *equester*, *plebeius*; *amplissimus ordo*, i.e. the senate).

The word retained its original meaning of regular arrangement, and eventually of normal arrangement, i.e. an arrangement reflecting an embedded normative principle, or a temporal, or a logical criterion of succession. Cicero (Off. 1, 40, 142) offers in his works a number of interesting examples of the use of *ordo*, e.g. in his definition *ordinem sic definiunt compositionem rerum aptis et accommodatis locis* (order is thus defined as the arrangement of things in suited and adapted places), or in Div. 1, 55, 125: *fatum appello ordinem seriemque causarum* (I call fate the order and the sequence of causes). Columella (12, 2) draws on this philosophical meaning and applies it to a morally relavant domain: *nihil esse pulchrius in omni ratione vitae dispositione atque ordine* (nothing is more beautiful in every aspect of life than arrangement and order).

"Order" in the English language has inherited most of the semantic areas covered by its Latin ancestor. It may indicate rank, grade or class, e.g. in a rank or order of rows, wheels etc. or of mouldings, or a body of people belonging to the same professional class, occupation or pursuit, when this is seen as a relatively separated body from the rest of a society.[2]

It may indicate more specifically a *hierarchical* arrangement of elements, or groupings, as in the religious vocabulary indicating the various orders of angels as in the medieval angelogy, or any analogous class of spiritual beings, a pervasive idea of hierarchical order which owns much of his resilience to the fortune of the neo-Platonic writings of the Pseudo-Dionysius during the Middle Ages. In this sense, order has been used to designate particular bodies of persons living by common consent under the same religious, moral and social regulation or discipline (e.g. monastic order, the Templar order), and by analogy to the bodies of people who have been granted special awards (e.g. the Order of the Garter).

[2] Cf. *Oxford English Dictionary*, second edition, Oxford: Clarendon Press, 1989.

Order is widely used in architecture (the five orders of classical architecture: Tuscan, Doric, Ionic, Corinthian and composite), as well as in mathematics, where its hierarchical connotation serves to classify functions, equations and other mathematical constructs. This *taxonomic* sense of the word order is equally expressed in its use in biology, where it indicates one of the highest groups in the classification of living and fossilised species, between the superior *class* and the inferior *family*.

Finally, order can indicate sequence, disposition, arrangement, succession in space and time, of actions or events, and more generally the condition in which everything is in its proper place and performs its proper function. Interestingly, as also in the French *ordre*, order in English also indicates the command or imperative instruction to carry out a certain task, a meaning which the Latin *ordo* did not have and that seems to be derived from the activity itself of ordering and the necessary instructions to carry out such a task.

1.1.2 *Order and its Philosophical Formulations in the Western Tradition*

1.1.2.1 *Order in Antiquity*

Philosophers[3] have been dealing with the problem of defining order since antiquity, the philosophical attention of the ancient Greeks first focusing on the problems of physics and thus the problem of describing the (ordered) functioning of the material world. While we are indebted to the Romans, as illustrated above, for the etymological origin of the word "order" and its semantic power, the philosophical elaboration of the concept owns much to the Hellenic world. Significantly, the Roman *ordo* translated a plurality of words which Greek philosophers and writers employed in their theoretical and literary works. On the one hand, order is κόσμος [kósmos], a word related to the idea of ornament, decoration and embellishment (cf. "cosmetic"), and from it related to the notion of decency, and therefore of order as appropriateness. The word κόσμος also indicates the world or the universe

[3] For this part, cf. Joachim Ritter and Karlfried Grürder, *Historisches Wörterbuch der Philosophie*, Band 6, Darmstadt: Wissenschaftliche Buchgesellschaft, 1984, pages 1250–1315.

(Latin *mundus*), a use which was apparently created by Pythagoras (as referred by Plutarch, *De Placitis Philosophorum* 2.1.1), but which was in any case already well-established during the classical era, as witnessed by Heraclitus, fragment 30 (κόσμον τόνδε οὔτε τις θεῶν οὔτε ἀνθρώπων ἐποίησεν, ἀλλ᾽ ἦν ἀεὶ καὶ ἔστιν καὶ ἔσται πῦρ), and by Plato in *Timaeus* (27a: πρῶτον λέγειν ἀρχόμενον ἀπὸ τῆς τοῦ κόσμου γενέσεως, τελευτᾶν δὲ εἰς ἀνθρώπων φύσιν).

On the other hand, the Greeks used the words θέσις [thésis] or διάθεσις [diáthesis], both derived from the verb τίθημι [títhemi] (to set, to allocate), and indicating disposition, arrangement, position (also in theoretical terms, as it is still in use today, for the word θέσις, or state, condition). Nevertheless, θέσις does not possess the normative dimension which was instead signalled by the Greeks with the use of the word τάξις [taxis], deriving from the verb τάσσω [tásso], with the original meaning "to arrange in a row". Τάξις comes straight from the military lexicon and indicates the drawing up in rank and file, the disposition of an army, the battle array (cf. "tactics"); from this first meaning derives the more general meaning of order, especially order for a specific purpose, and in that sense τάξις has been widely employed in the philosophical language of antiquity, in relation to physics, metaphysics, ethics or politics, and was then translated by the Romans into *ordo* as a technical political term.

Τάξις characterises for Plato the very activity of the demiurge, who creates order out of disorder (*Timaeus* 30a: εἰς τάξιν ἄγειν ἐκ τῆς ἀταξίας). In "The Laws" (874 e 7), Plato affirms that, because humans can attain a sense of the just (τὸ δίκαιον) or the collective (τὸ κοινόν), if ever, only for a limited time, they need good institutional order and law (τάξις καὶ νόμος), without which they would not be different from the wildest beasts.

Aristotle affirms, while refuting the idea that motion in the universe may have had a beginning, that nothing in nature is unordered (ἄτακτον), as the *physis* is for every being the cause of order. Aristotle targets any theory arguing for a genesis of the universe, in that this would be contrary to the eternity of the world's τάξις. (*De Caelo*, II, 14: ἡ δέ γε τοῦ κόσμου τάξις ἀΐδιος). This does not, however, solve the problem of the possible dependence of the κόσμος on an original cause (αἰτία).

Aristotle substantiates the relation between the κόσμος and the supreme ideas of good and morally best (τὸ ἄριστον) with a metaphor. The supreme good can exist as a being separately from the κόσμος, but at the same time as its immanent τάξις, as in an army, in which in fact the supreme good appears both in the order and disposition of the soldiers (ἐν τῇ τάξει), as well as in the commander, but especially in the latter, as he does not consist *in* the order, but the order subsists *through* him (*Metaphysica*, XII, 10, 1075a 11–15: οὐ γὰρ οὗτος διὰ τὴν τάξιν ἀλλ'ἐκείνη διά τοῦτον).

In his political writings, Aristotle defines τάξις as a form of λόγος [lógos], namely as a relation, which the constitution and the law of the state establishes between the different magistrates. The constitution (πολιτεία) is therefore τάξις, with the exception of the three degenerated forms of government (tyranny, oligarchy and democracy), because in them the rule is not exercised according to any order (κατὰ τάξιν), but it is instead unregulated, arbitrary and undetermined (ἀόριστος). Crucially, Aristotle affirms that τάξις is the law (νόμος) (*Politica*, III 1287a 18: ἡ γὰρ τάξις νόμος), but on the other hand, that the constitution establishes the way in which laws should be, and the constitution is the order (τάξις) regulating the charges within the state structure concerning the modes of their attribution, the question of who exercises the supreme power, and what is the objective (τέλος) of the so constituted political community.[4]

A central tenet of the classical philosophical reflection about order is that order can be part of human experience only partially, as human life is constantly and unavoidably characterised by some degree of disorder. This orientation did not belong exclusively to Plato and his followers in the context of the demiurgic myth, but was widely shared. Again for Aristotle, while the world of unmovable objects is in perennial order and quiet (*Ethica Eudemia* I, 1218a), and there cannot be anything against the natural order of things in the supralunar world, the sublunar world, i.e. the world in which the humans live, and where the disordered may well exist, is ordered only in a limited way (*Meterologica*, II 358 a).

[4]Cf. Aristotle, *Politica* IV 1289 11, 25: πρὸς γὰρ τὰς πολιτείας τοὺς νόμους δεῖ τίθεσθαι καὶ τίθενται πάντες, ἀλλ᾽ οὐ τὰς πολιτείας πρὸς τοὺς νόμους. Πολιτεία μὲν γάρ ἐστι τάξις ταῖς πόλεσιν ἡ περὶ τὰς ἀρχάς, τίνα τρόπον νενέμηνται, καὶ τί τὸ κύριον τῆς πολιτείας καὶ τί τὸ τέλος ἑκάστης τῆς κοινωνίας ἐστίν.

This conceptualisation of order remained constant during the Hellenistic and classical Roman period. As mentioned already above, Cicero, the Roman author who arguably more than anybody else contributed to the creation of a technical philosophical Latin language with the translation of Greek terms,[5] formulated a definition of order with rather Stoic overtones (*composition rerum aptis and accommodatis locis*), clearly predicated on what "the suited and adapted" are supposed to be. Cicero highlights on this point the aesthetic idea embedded in the concept of order, by resembling an ordered conduct of life to a harmonious speech (*De Officiis*, I 144: *talis est igitur ordo actionum adhibendus, ut, quemadmodum in oratione constanti, sic in vita omnia sint apta inter se et convenientia*), namely then characterized by beauty, consistency and order (*pulchritudo*, *constantia*, *ordo*):

> And it is no minor manifestation of nature and reason that man is the only animal that has a feeling for order, for propriety, for moderation in word and deed. And so no other animal has a sense of beauty, loveliness, harmony in the visible world; and nature and reason, extending such analogy from the world of sense to the world of spirit, find that beauty, consistency, order are far more to be maintained in thought and deed, and the same nature and reason are careful to do nothing in an improper or unmanly fashion, and in every thought and deed to do or think nothing capriciously.[6]

Over four hundred years after Cicero, the main tenets of his classical formulation of order were still in place, as well reflected by Augustine's writings on the topic. Augustine is important not only for the role which is classically attributed to him as the conjunction point between the philosophy of (heathen) antiquity and the Christian medieval world, but also because Augustine managed to merge the discourse of order as τάξις together with Christian theology and political philoso-

[5] Richard Edwin Smith, *Cicero the Statesman*, Cambridge: Cambridge Univesity Press, 1966, page 229.

[6] Cicero, *De Officiis*, I 14: *Nec vero illa parva vis naturae est rationisque. quod unum hoc animal sentit, quid sit ordo, quid sit, quod deceat, in factis dictisque qui modus. Itaque eorum ipsorum, quae aspectu sentiuntur, nullum aliud animal pulchritudinem, venustatem, convenientiam partium sentit; quam similitudinem natura ratioque ab oculis ad animum transferens multo etiam magis pulchritudinem, constantiam, ordinem in consiliis factisque conservandam putat cavetque, ne quid indecore effeminateve faciat, turn in omnibus et opinionibus et factis ne quid libidinose aut faciat aut cogitet.*

phy, thus envisaging the conceptual constellation of elements which, in many ways, still characterises the order problematique up to the present. Augustine defined order as "the disposition of equal and unequal which confers to each one its proper place" (*De Civitate Dei*, XIX 13*: ordo est parium dispariumque sua cuique tribuens loca dispositio*). While he still relies on the core structure of the Ciceronian idea of order, he justifies it in a different way, namely by establishing a stronger link with the creationist Christian doctrine in relation to cosmology, therefore definitely distancing himself from any Aristotelian conception of the eternity of the universe, and in the immanence of the Christian God in relation to theology. From a cosmological viewpoint, order is the principle which God has used in everything he has created (*De Ordine*, I 28: *ordo est, inquit, per quem aguntur omnia quae Deus constituit*), although it is not present in every creature in the same measure, but the degree of order is reflected by a hierarchy of all creatures (*De libero arbitrio* 3, IX, 24: *ordinem creaturarum a summa usque ad infimam gradibus iustis decurrere*). The order of the universe is also reflected in the triadic nature of its constituents, which always reflects the triadic nature of God. The task of the human being is to climb up to its creator by means of education and knowledge and, in relation to these, through an ordered ethical life (*ordo eruditionis and ordo vitae*, cf. *De Ordine*, II 8 25 ff.).

The important contribution given by Augustine to the elaboration of a theological doctrine of order, which goes beyond the neo-Platonic influences described above, also consists in the integration that he offered of the problem of evil and its articulation within the order created by God. Augustine's thesis is that evil does not contradict order, but evil itself is part of the divine order of things, although it is not destined to return to God (*De Ordine* I, 6 15). The sin of man does not consist therefore in a deviation from order, which is per se not possible, because nothing lies outside the order of the world, but in the perversion of his task, when the human mind fails to direct itself towards God, and directs itself instead towards another object (Cf. *Epistula* CXL 23, 56: *Proinde rationalis creatura, sive in angelico spiritu, sive in anima humana, ita facta est, ut sibi ipsa bonum quo beata fiat, esse*

non possit; sed mutabilitas eius si convertatur ad incommutabile bonum, fiat beata: unde si avertatur, misera est).

1.1.2.2 *Order in the Middle Ages*

During the Middle Ages, the philosophical topic of order undergoes a number of transformations, all of them related to the problematic integration of order within theology and the philosophy of nature (*naturalis philosophia*). In the Early Middle Ages, the conception of order as elaborated by the Fathers of the Church, and especially Augustine, remains largely unchallenged, but it is integrated with even further neo-Platonic elements. This can be largely attributed to the Pseudo-Dionysius and the influence which he exerted on the philosophical and theological production of the time, especially because his idea of the celestial hierarchy well suited the above illustrated Augustinian conception of order, of which every creature is part, albeit in a different way. It also found its apparent confirmation in the Scriptures (*Book of Wisdom*, 11, 21: [B]*ut thou hast ordered all things in measure and number and weight* [*mensura et numero et pondere*]).[7] Especially Scotus Eriugena, who produced the Latin translation of the Pseudo-Dionysius, which widely circulated during the Middle Ages, worked on the creation of a more coherent account of order which could encompass all these dimensions.[8] Other early medieval thinkers, such as Hugh of Saint Victor and Peter the Lombard, continued this tradition with relation to the aesthetic value of order. It was therefore not until the early scholastic period that medieval philosophy would begin to problematise Augustine's definition of order.[9]

The Augustinian definition of order (*parium dispariumque sua loca cuique tribuens dispositio*), remained largely influential for every medieval reflection on this topic, together with the highly revered opinion of the Fathers more generally. However, some problems re-surfaced once Western theologians and philosophers

[7] Cf. *Vulgata*, *Sapientia* 11, 21*: sed et sine his uno spiritu occidi poterant persecutionem passi ab ipsis factis suis et dispersi per spiritum virtutis tuae sed omnia mensura et numero et pondere disposuisti*.

[8] Wayne Hankey and Lloyd P. Gerson, "*John Scotus Eriugena*", in *The Cambridge History of Philosophy in Late Antiquity*, Volume 2, Chapter 45, Cambridge, Cambridge University Press, 2010, pages 829–840.

[9] John Marenbon, "*The Twelfth Century*", in John Marenbon (ed.), *Medieval Philosophy*, London: Routledge, 1998, pages 150–187.

began to work on a systematic conciliation of the Fathers' heritage with Aristotelianism. The Augustinian conception of order could not be directly employed to describe the order inherent to the trinity (as God appears for Augustine to make use of order to regulate the world, but without necessarily being part of that order), and also its application to the natural world started to become problematic, as it lacked the teleological dimension well present in the Aristotelian conception of an immanent order of nature, and it needed to be expanded and formulated more accurately in relation to non-material beings. Already William of Auxerre († 1231) tried to expand the discussion on order by limiting the validity of Augustine's definition to the point of the *pondus (*weight), but excluding the *mensura* and the *numerus* (measure and number, respectively) from the above reported scriptural reference. On this track, Alexander of Hales († 1245) further expanded the problem of order by envisaging different *loci* in which order manifests itself simultaneously, namely in this and in the other world, in the past and in the future. The Augustinian *ordo* became only one manifestation of the complex idea of order, namely that static disposition of the already-created, while order still exists in other forms, particularly in the immanent orientation of God's creatures towards their original creator or *causa finalis*. Alexander also developed his conception of order with an aim to clarify the ways in which order's multidimensionality is structural to the immanent double aim of creation, namely the maintenance of the necessary conditions for human life and existence, and for the eventual return to its creator, the *primus mobilis*.[10]

Albertus Magnus further expanded the differentiation of the concept of order and its articulation in different domains. He intended to reduce the neo-Platonic element in the conceptualisation of immanent order, by arguing that not all beings are immediately directed towards a reunion with the creator, but their position within the creation is dictated by a natural order (here is the first recovery of Aristotle's conception of nature), which is oriented towards God in varying degrees. Order is therefore immanent in the creation in the way in which Aristotle described it in analogy to the ordered army, but with the important consideration that, to have

[10] Christopher M. Cullen, "*Alexander of Hales*", in Jorge J.E. Gracia and Timothy B. Noone, *Companion to Philosophy in the Middle Ages*, Oxford: Blackwell, 2006, Chapter 7.

a comprehensive and dynamic order in nature, different manifestations of order in different domains have to appear unequal. Again, as in the analogy of the army, the overall order results from the unequal disposition of the parts.[11]

Thomas Aquinas worked on the elaboration of the concept of order by continuing the expansion promoted by Albertus Magnus.[12] Aquinas became particularly concerned with the integration of the aesthetic dimension within order, as well as with a more precise articulation of Augustine's idea that the evil and the ugly are still part of the general order of things as envisaged by God. The beauty (*pulchritudo*) of the universe is realised by the continuous appearance and disappearance of things, which is translated into a vast network of intertwined causes. Thomas Aquinas sets the temporal order of things (*ordo temporis*) behind the substantial order of things (*ordo naturalis*) in his hierarchical succession. Order is crucial in Aquinas's understanding of the metaphysical structure of the universe: despite the fact that it has to remain accidental in the Aristotelian metaphysical scheme, its emerges as a quality growing out of the single being and collectively posed at a higher hierarchical position, as the *bonum universi* is a *bonum ordinis*, a *bonum commune* produced by the collectivity of objects in the universe. Aquinas conceptualised this order in a twofold way: on the one hand order is the *idea of world order* that God has, and God behaves in its realisation as an *artifex* in relation to its *artificiata*. This first element in the theory of order guarantees the stability of the world. On the other hand, ordered is also the continuous movement which characterises every being in the universe, as every being is set in motion by another one, and the original impulse comes from God himself, to whom everything will eventually return. The *bonum ordinis* is such only if the world contains in itself the full spectrum of different ways and degrees of being, and it is therefore a *bonum ordinis diversorum*, i.e. an order (and beauty of the world) which arises out of the specialisation of different forms of being and in the completeness of the collective image.

[11] Mechthild Dreyer, "Albertus Magnus", in Jorge J.E. Gracia and Timothy B. Noone, *ibidem,* Chapter 5.
[12] John H. Wright, *The Order of the Universe in the Theology of St.Thomas Aquinas*, Roma: Università Gregoriana, 1957.

As already in Aristotle, Thomas Aquinas operates a distinction between the supralunar and the sublunar worlds, where the existence of order is less visible. In particular, human beings and their societies are not naturally ordered, but the order of collective social life (*ordo politicus*) can only be guaranteed by the order of a distributive justice, which is described along the model of an army, where social tasks are attributed to differently ranked social classes for the attainment of the common good. Aquinas also envisaged a concept of peace as deriving from an ordered world in which the diversity of the different elements has to be accompanied by a respect of the limits which nature imposes on all things.

However, it is important to keep in mind that the reference to the order of the divine justice recurrent in Aquinas does not implicate its constitutive nature, as the divine wisdom is not committed to a precise order of things, since God's free will may well have decided to create a differently ordered world.

The complex picture of Aquinas's conception of order, which brought together elements of different reflections, such as Aristotelianism, Christianity and neo-Platonism, managed to persist for a long time. The Scholastic understanding of the problem of order, both in its metaphysical structure and in its political implications, was destined to last for centuries until the emergence of the double challenge of the reformation, and of humanistic renaissance. While certain renaissance thinkers, such as Giordano Bruno, started to decouple the idea of order from that of a transcendental being issuing or controlling it, understanding order therefore as nothing but the way in which the universe as a totality (which is God) exists, the Reformation thinkers, because of their specific conceptualisation of God, could not follow that path.[13] Martin Luther re-instated a largely Augustinian idea of order, which continued therefore to resurface, with its core of neo-Platonic hierarchical structure.

[13] Ingrid D. Rowland, *Giordano Bruno: Philosopher/Heretic*, Chicago: University of Chicago Press, 2009.

1.1.2.3 *Order in the Modern Age*

Only with René Descartes did a new idea of order start to find its way into Western philosophical thinking, one which is no longer metaphysical and ontological, but methodological. Order is for Descartes a method by which stable knowledge can be attained, which is possible only by following certain established procedural rules, which form the very Cartesian concept of order. Order is method and method is order, namely "consisting of the order and disposition of what is the object of one's spiritual eye, with the aim of finding some truth." For the first time here, order is neither rank nor value but an order of sequencing, which investigates the reciprocal relations between objects, and pertains therefore to the domain of mathematics in its nature of a purely mental order, which follows exclusively the order of causal links (*ordre des raisons*), without attempting any metaphysical investigation into the "order of things".[14] This early modern conceptualisation of order is common to Baruch Spinoza, for whom it does not consist in any property of things, but in a principle determining human thinking, and for Gottfried W. Leibniz. This last author indicated with the word "order" a concept expressing a relation between given elements, which is again no longer identified as a metaphysical property of objects, but as the way in which reciprocal relations between objects occur, reflecting the original project of an ordered world in the mind of God.

This last position put forward by Leibniz indicates the way towards a new fusion of the concepts of nature and of order as the one advanced by the *physiocrates* during the eighteenth century. The evolution of the moral-philosophical investigation of order within human societies towards the creation of economic doctrines was indeed initially based on the idea that there should be some correspondence, if not clearly a coincidence, between the (allegedly natural) laws governing production, consumption and economic prosperity, and the in-born aspirations of the individual human (namely the human nature). So from this viewpoint, the

[14] René Descartes, *Régles pour la Direction de l'Esprit*, in *Oeuvres de Descartes* (edited by Victor Cousin), Paris: Levrault, Vol. 11, 1824–1826 [1628], page 224: *Toute la méthode consiste dans l'ordre et dans la disposition des objets sur lequels l'esprit doit tourner ses efforts pour arriver à quelques vérités. Pour la suivre, il faut ramener graduellement les propositions embarassées et obscures á de plus simples, et ensuite partir de l'intuition de ces dernièrs pour arriver, par le mêmes degrés à la connaissance des autres.*

question of social order may not be solved by advocating the rise of some sort of *homines novi*, able to reject their natural passions and inclinations, but on the contrary only by the integration of the *intérêt personnel* in an *ordre immutable institute par l'Auteur de la nature pour governer les hommes tels qu'ils sont, pour server à leur bonheur temporel*.[15]

Rousseau is of course the great champion of the opposite philosophical position, arguing that the despicable situation of the human race was largely predicated on the continuation of its contemporary, fundamentally evil forms of socialisation. His philosophical position rests on a very clear dichotomy between the *ordre de la nature* and the *ordre social*. The concept of order is nevertheless a concept, namely a product of education and intellectual work, not something which ontologically belongs to the universe, although it is possible to observe how the natural world possesses an arrangement of its elements and it appears to the educated eye to be regulated by laws and to proceed towards a certain goal, which remains nevertheless unknown. *Où est l'ordre que j'avois observé? Le tableau de la nature ne m'offroit qu'harmonie et proportions, celui du genre humaine ne m'offre que confusion, désordre*![16] Order in the context of human societies and civilisation is only possible with the domination of passions and in new, different forms of socialisation which are based on the sacrifice of personal interest for the sake of the collective.

Kant's discourse about order emerges in the discussion of the evidence of the existence of God as formulated by the physico-theological position, at the time extremely relevant, according to which the existence of God is proven by the existence of a natural order of the world which humanity can contemplate through its aesthetic faculties. Already in his pre-critical production, Kant attacked this position on the point of the separation of God and nature. In a physico-theological position, it appears that all natural order, and its course, has been established by God in every single detail, while these in reality flow from the rules which govern nature as a single mechanism. Later, in his critical works, he attacked again this position in relation to his established conviction that the order of nature has its ori-

[15] Pierre-Paul Le Mercier de la Rivière, *L'ordre naturel et essentiel des sociétés politiques*, London–Paris 1767, page 329.
[16] Jean-Jacques Rousseau, *L'Émile ou de l'Éducation*, in *Oeuvres Complètes*, Volume III, Paris, 1859, page 326.

gin in human understanding (*menschlicher Verstand*), as it captures all phenomena (*Erscheinungen*) under its own laws, nature being nothing but those very phenomena (*Die Ordnung und Regelmäßigkeit an den Erscheinungen, die wir Natur nennen, bringen wir selbst hinein*).[17] In his *Critique of Judgement* Kant further articulated his position, according to which the order of nature is indeed accessible by our cognitive apparatus (*Erkenntnisvermögen*), in terms of *a priori* judgement, as this order is not impossible to grasp for the human mind.[18] Indeed, if it were, it would be otherwise impossible to grasp the order of nature. Newton could not have done what he did, as he saw order and regularity intertwined within great unity, where before him there appeared to be only disorder and chaotic multiplicity.[19] Issuing from the discovery of order in natural phenomena, the idea emerged that there must be the possibility of tracing order and regularity in the course, apparently so chaotic and unordered, of society and history.[20] For Kant, the emergence of order is related to conflict and antagonism, as he believed that "all culture and art, and the most beautiful social order are the fruits of unsociability (*Ungeselligkeit*), which is necessitated by itself to self-discipline, as the ordered appearance of a forest emerges out of the competition between the trees for sunshine."[21]

[17] Immanuel Kant, *Kritik der reinen Vernunft*, Berlin: Ausgabe der Preußischen Akademie der Wissenschaften, 1900, Volume IV, page 92.

[18] Immanuel Kant, *Kritik der Urteilskraft*, *ibidem*, Volume V, page 175: *Denn es läßt sich wohl denken: daß ungeachtet aller der Gleichförmigkeit der Naturdinge nach den allgemeinen Gesetzen, ohne welche die Form eines Erfahrungserkenntnisses überhaupt gar nicht statt finden würde, die specifische Verschiedenheit der empirischen Gesetze der Natur sammt ihren Wirkungen dennoch so groß sein könnte, daß es für unseren Verstand unmöglich wäre, in ihr eine faßliche Ordnung zu entdecken, ihre Producte in Gattungen und Arten einzutheilen, um die Principien der Erklärung und des Verständnisses des einen auch zur Erklärung und Begreifung des andern zu gebrauchen und aus einem für uns so verworrenen (eigentlich nur unendlich mannigfaltigen, unserer Fassungskraft nicht angemessenen) Stoffe eine zusammenhängende Erfahrung zu machen.*

[19] Immanuel Kant, *Bemerkungen zu den Beobachtungen über das Gefühl des Schönen und Erhabenen*, *ibidem*, XX, page 58: *Newton sahe zu allererst Ordnung u. regelmäßigkeit mit großer Einfalt verbunden wo vor ihm Unordnung u. schlim gepaarte Manigfaltigkeit anzutreffen war u. seitdem laufen Cometen in geometrischen Bahnen.*

[20] Cf. also Johann Gottfried Herder, *Ideen zu einer Philosophie der Geschichte der Menschheit*, *Vorrede zu* I, Leipzig 1828, third edition 1828, page XII: *Der Gott, der in der Natur alles nach Maß, Zahl und Gewicht geordnet, der darnach das Wesen der Dinge, ihre Gestalt und Verknüpfung, ihren Lauf und ihre Erhaltung eingerichtet hat, so daß vom großen Weltgebäude bis zum Staubkorn, von der Kraft, die Erden und Sonnen hält, bis zum Faden eines Spinnegewebes nur eine Weisheit, Güte und Macht herrschet, Er, der auch im menschlichen Körper und in den Kräften der menschlichen Seele alles so wunderbar und göttlich überdacht hat, daß, wenn wir dem Allein-Weisen nur fernher nachzudenken wagen, wir uns in einem Abgrunde seiner Gedanken verlieren: wie, sprach ich zu mir, dieser Gott sollte in der Bestimmung und Einrichtung unsres Geschlechts im ganzen von seiner Weisheit und Güte ablassen und hier keinen Plan haben.*

[21] Immanuel Kant, *Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht*, AA, VIII, page 22: [S]*o wie Bäume in einem Walde eben dadurch, daß ein jeder dem andern Luft und Sonne zu benehmen sucht, einander*

With the French revolution, the idea of order becomes more difficult to conceptualise according to established theological and/or naturalistic narratives, as the revolutionary event itself seemed to embody a "new order", or at least the striving towards a new order, which breaks with the previous forms and challenges the homeostatic conceptualisation of what is ordered. Order becomes something which can no longer simply lie within nature or human nature, or the human cognitive capabilities, but emerges from the replacement of what was previously considered as ordered, but it may no longer be so. The relatively simple idea that order, especially the order of the world, is chiefly reflected in the principle that everything has (stably) its right place, is no longer sufficient. Hegel has furthermore broken the link between the naturalistic order and God, by pointing out how the finite (*das Endliche*) cannot be the basis for the construction of a rational concept of God.[22]

The disintegration of a widely shared idea of order during the nineteenth century is also reflected in the anarchist movement, which maintained that "order" would continue to exist even in an anarchical society, which would actually constitute a more authentic order, as put forward by Proudhon: "*la plus haute perfection de la société se trouve dans l'union de l'ordre et de l'anarchie*".[23] Against the rise of this re-formulation of order as an order-to-be, the nineteenth century reactionary movement tried to reinstate the Christian conception of order and disorder within the doctrinal context of the fall of man and original sin (Donoso Cortés),[24] but with extremely limited success.

Nietzsche, in his staunchly polemical relationship with his contemporaries and in his *élan* in seeking a radically different future, also used and defended the concept of order, by analysing his time as one in which the social order was slowly melting away (*wegschmelzen*), thus prompting the necessity of thinking about new

nöthigen beides über sich zu suchen und dadurch einen schönen geraden Wuchs bekommen; statt daß die, welche in Freiheit und von einander abgesondert ihre Äste nach Wohlgefallen treiben, krüppelig, schief und krumm wachsen. Alle Cultur und Kunst, welche die Menschheit ziert, die schönste gesellschaftliche Ordnung sind Früchte der Ungeselligkeit, die durch sich selbst genöthigt wird sich zu discipliniren und so durch abgedrungene Kunst die Keime der Natur vollständig zu entwickeln.

[22] Cf. Georg. F. W. Hegel, *Vorlesungen über die Philosophie der Religion I*, Hamburg: Felix Meiner Verlag, 1993, pages 265 and ss. Originally published posthumously in 1831–1841.

[23] Pierre-Joseph Proudhon, *Qu'est-ce que la proprieté*, Paris: 1840, page 346.

[24] Donoso Cortés, *Essayo sobre el catolicismo, el liberalismo y el socialismo*, Madrid: 1851.

orders, in which, despite the prominence of the idea of equality, the order of rank and priority, both among humans and among things, should be preserved (*die Ordnung des Ranges in der Welt aufrecht zu erhalten, unter den Dingen selbst — und nicht nur unter den Menschen*).[25]

The end of the nineteenth century is also the time in which the constellation of elements making up the current order problematique takes its shape. If Dostoyevsky identified as the problem of a whole era the craving for order and the search for truth,[26] then the automatic question is about how all this may be achieved, in a time in which almost nothing is available to which one can attach oneself. But, as highlighted by Émile Durkheim, how is it also possible that the human will could integrate itself into an order of which the will itself has been the conscious creator? How is it possible to derive a social order from the individual, an order which goes beyond the individual? How can a law be binding for individuals, when it is indeed their own product?[27]

In this context of increasing problematisation of order, its Kantian conception as a concept coming from the human intellect, rather than being a property of the things in themselves, has remained prevalent in a number of theoretical orientations. For Henri Bergson, reality is an order to the extent to which it satisfies our thinking, as an overlap between subject and object.[28] Hans Driesch posits as the foundation of order the experience and self-determination of the thinking *ego* (philosophical solipsism), which informs what is set as external, and requires validity from what is ordered. This author has categorised "order" *per se* as a "primitive concept" (*Ursachverhalt*), which cannot be reduced to simpler concepts by further analysis. With this "standardisation" of thought and, through it, thinking becomes an autonomous something, and objects are posed, which in their complete entirety form a unity, a system of the real. The ordered-monistic ideal, in which every sin-

[25] Friedrich Nietzsche, *Jenseits von Gut und Böse*, Leipzig: 1886, § 219.
[26] Fedor Dostoyevsky, *A Raw Youth*, originally published in 1875, translation from Russian by Constance Garnett, New York: Macmillan, 1950, page 557.
[27] Émile Durkheim, *Éducation et Société*, Paris: Presses Universitaires Françaises, 1999, page 55.
[28] Henri Bergson, *L'Évolution Créatrice*, Paris: Presses Universitaires Françaises, 1959 (originally published in 1907), page 134 : *D'une manière générale, la réalité est ordonnée dans l'exacte mesure où elle satisfait notre pensée. L'ordre est donc un certain accord entre le sujet et l'objet. C'est l'esprit se retrouvant dans les choses.*

gularity of the being finds its own place in this thus conceived order, can never be fulfilled, as order and being are never entirely overlapping.[29] For Fritz Mauthner, there is never any certainty about the extent to which nature reflects our subjective order.[30] This indeterminateness has characterized the problem of order to the present, namely whether the ordering by the subject lies in the bringing to the surface an inherent, innate possibility of order existing within things, or are meaning, value and order instead given to the being from the outside, and is it therefore exclusively dependent upon human freedom.

Throughout the twentieth century, on the level of political and historical reflection, as already during the nineteenth century, the category of order has remained tied to the polarisation between revolution and reaction, but in the context of the changing meaning for both terms, with the gradual shift away from liberal to socialist revolution, and from autocratic restoration to capitalistic reaction. So, order has become a central component in most discussions involving social-political ideology and its critique. Sigmund Freud recognises that order is undeniably useful for (collective) human life, but argues on the other hand that it is built, like every other cultural achievement (*Kulturleistung*), on the sublimation of drives.[31] Theodor Adorno criticises the ideological defence of existing and binding order (against Heidegger's fundamental ontology) but on the other hand he wishes to see the rise of a new order for the promotion of human dignity, and without violence.[32] Other authors have insisted on the inevitability of people integrating themselves into some sort of cultural-social, or even natural order, with the goal of finding fulfilment for their own subjectivity.[33] Arnold Gehlen articulates an opinion according to which those institutions, which give to the human (as a naturally limited being) norm and restraint, may also be the guarantors of its freedom, as they may be able to prevent the emergence of irreconcilability between

[29] Hans Driesch, *Ordnungslehre. Ein System des nichtmetaphysischen Teils der Philosophie*, Jena: Eugen Diederichs Verlag, 1923, pages 39 ss.
[30] Fritz Mauthner, *Beiträge zu einer Kritik der Sprache*, Stuttgart & Berlin: Cotta'sche Buchhandlung Nachvolger Verlag, 1902, Vol. III, page 589 ss.
[31] Sigmund Freud, *Das Unbehagen in der Kultur*, Wien: Internationaler Psychoanalytiker Verlag, pages 52 ss.
[32] Theodor Adorno, *Negative Dialektik*, Frankfurt am Main: Suhrkamp Verlag, 1966, pages 96 ss.
[33] Cf. Werner Maihofer, *Vom Sinn menschlicher Ordnung*, Frankfurt am Main: Klostermann Verlag, 1957, pages 51 ss.

different positions.[34] According to Carl Joachim Friedrich, the problem of order should be articulated dialectically as a continuous competition between order and other societal values (freedom, justice, security, etc ...), and therefore as a problem of reciprocal limitation and conditioning of those values.[35]

Hans Barth has analysed the possibility of identifying, in the plurality of the different possible arrangements of order, a supreme form of order, or an order governed by rules of last instance, but he has eventually come to the conclusion that no such order can be found, because of human fallibility.[36] As already pointed out by Dostoyevsky, an order of ultimate validity appears to be out of reach in the context of the modern world, while every proposed order seems to entail a relativistic nature. Paul Weiss has reformulated this very ambiguity by stating that "depending upon where one starts, one has a distinct way of ordering the entities comprising the world".[37]

Other authors have tried to resist this relativisation drift, especially by turning their attention to a genealogy of the concept of order as theologically derived. Eric Voegelin has affirmed that the struggle around the truth of order constitutes the substance of history, in the form of a continuous re-organisation of symbolic re-interpretations of human existence, chiefly expressed in the religious phenomenon.[38] For Helmut Kuhn, the first and last disposition of order for the human lies in his capacity to relate to God (*die letzte und erste Ordnungsbestimmung des Menschen liegt darin, daß er* capax Dei *ist*), and his consequent ability to orientate himself to the righteous collective order of divine wisdom.[39]

[34] Arnold Gehlen, *Urmensch und Spätkultur. Philosophische Ergebnisse und Aussagen*, Frankfurt am Main: Klostermann Verlag, 1964, second edition, pages 34 ss.
[35] Carl Joachim Friedrich, *The Dialectic of Political Order and Freedom*, in P.G. Kuntz, *The Concept of Order*, Seattle: University of Washington Press, 1968, pages 339–354.
[36] Hans Barth, *Die Idee der Ordnung. Beiträge zu einer politischen Philosophie*, Zürich: Eugen Rentasch Verlag, 1958, pages 217–236.
[37] Paul Weiss, *Some Paradoxes Relating to Order*, in Paul G. Kuntz (ed.), *The Concept of Order*, Seattle & London: University of Washington Press, 1968, 14–20, page 20.
[38] Eric Voegelin, *Order and History*, Baton Rouge: Louisiana University Press, 1987, Volume II, pages 2 ss.
[39] Hans Kuhn, *Ordnung im Werden und Zerfall*, in Hans Kuhn and Franz Wiedmann (eds.) *Das Problem der Ordnung*, München: Sechster Deutscher Kongress für Philosophie, 1960, 11–25, pages 23 and 25.

Despite the lack of a stable definition of order in analytical terms, with reference to its content, as highlighted among others by Martin Heidegger,[40] the concept itself has been significantly diffused in the social sciences, informing the meaning of numerous technical terms such as structure, form, norm, system, institution. This prominence of order within social scientific discussion has been largely articulated as a debate concerning the way in which different orders can be legitimised, particularly following the work of Max Weber. Functional sociology has focused on the question of the "motivational problem of order" by trying to understand how to keep consensus around the existing social arrangements under particularly demanding circumstances. For Talcott Parsons, "the remarkable thing about social order is not how perfect it is, but that it does exist at some sort of reasonably tolerable level."[41]

Structural anthropology after Claude Lévi-Strauss has also sought to explain the functioning of human societies in terms of orders and structures, which in turn should be explained and classified in relation to their formal character, so that it is possible, at least in principle, to envisage an "order of orders" (*ordre des ordres*) at a very abstract level.[42]

Finally, Michael Foucault has, against structuralistic attempts to describe social orders, articulated the view that order presents itself as a complex problem oscillating between the pole of those empirical orders which constitute the fundamental codes of a culture, such as language, schemes of perception, exchanges, values and practices, and a second pole constituted by scientific and philosophical reflections about the meaning of order as an abstract concept. What he intends to highlight is however that between these two dimensions there is a middle ground, confused, obscure and difficult to penetrate analytically:

[40] Martin Heidegger, *Sein und Zeit*,Tübingen: Max Niemeyer Verlag, eleventh edition, 1967 (first edition 1927) page 52: *Die Beherrschbarkeit des Mannigfaltigen in einer Tafel gewährleistet nicht ein wirkliches Verständnis dessen, was da geordnet vorliegt. Das echte Prinzip der Ordnung hat seinen eigenen Sachgehalt, der durch das Ordnen nie gefunden, sondern in ihm schon vorausgesetzt wird. So bedarf es für die Ordnung von Weltbildern der expliziten Idee von Welt überhaupt. Und wenn »Welt« selbst ein Konstitutivumdes Daseins ist, verlangt die begriffliche Ausarbeitung des Welt-phänomens eine Einsicht in die Grundstrukturen des Dasein.*

[41] Talcott Parsons, *Order as a Sociological Problem*, in Paul G. Kuntz, *op. cit.*, 373–384, page 379.

[42] Claude Lévi-Strauss, *Anthropologie Structural*, Paris: Librairie Plon, 1958, pages 347–348.

It is here that a culture, imperceptibly deviating from the empirical orders prescribed for it by its primary codes, instituting an initial separation from them, causes them to lose their original transparency, relinquishes its immediate and invisible powers, frees itself sufficiently to discover that these orders are perhaps not the only possible ones or the best ones; this culture then finds itself faced with the stark fact that there exist, below the level of its spontaneous orders, things that are in themselves capable of being ordered, that belong to a certain unspoken order; the fact, in short, that order *exists*.[43]

This middle region is for Foucault a sort of primitive concept, where the authentic being of order is hidden, but which continuously manifests itself in a plurality of empirical modes. This fundamental form of the existence of order, this experience of order in its primary state, appears systematically superior to any attempt of analytical description, definition and codification of what order is. In every culture, order is perceived and experienced, but its essence remains undisclosed to explicit analytical articulation. According to Foucault, this very feature of the concept of order, namely its opacity, both inspires and undermines its projections as social codes and as scientific and philosophical arguments. It inspires them because the experience, but also the demand for order, prompts its social production, and its intellectual investigation. It undermines them because no social code or philosophical idea of order can entirely cover and explain the variety of empirical manifestations of order, thus prompting the critique of established social codes and the reformulation of scientific and theoretical hypotheses.

1.1.2.4 *Order in Philosophy: some concluding remarks*

At the end of this review of the multifaceted landscape of the philosophical literature on the concept of order, it is possible to summarise a few important points. From the very beginning, the concept of order has been theorised, as notably in Aristotle, in connection with a philosophical theology trying to explain the rela-

[43] Michel Foucault, *The Order of Things. An Archaeology of the Human Sciences*, London: Taviston Publications, 1970 (original publication as *Les Mots et les Choses. Une Archéologie des Sciences Humaines*, Paris: Gallimard, 1966), pages xx-xxi.

tion between the idea of God and the philosophical image of the world. Order was in that context the *logos* which enables the immanence of the supreme good in the world, and reflected in the order of the *physis*. Order establishes itself therefore immediately as a metaphysical concept. Throughout antiquity, this way of theorising order proved especially successful, and lasted until early Christian theologians started to envisage a way to bridge the problem of defining order with the idea of evil as part of the order established by the creator, because nothing can deviate from the order established by God (against the gnostic solution of an imperfect sublunar world contaminated by elements escaping from the divine order). The Augustinian conception of order continued to prevail throughout the Middle Ages, and entered a crisis only with the onset of modernity, as the idea of God was progressively replaced by that of nature, and the problem of order, as already in Descartes, became absorbed in methodological and epistemological discussions about order as either intrinsic to the studied object or as a structure of subjectivity. Kant articulated his view according to the latter theoretical perspective, by defining order (of nature) in terms of an *a priori* judgement, which enables the accessibility of order for the human mind. However, this very idea of order as depending upon the definition of cognitive processes opened the way towards a relativistic disintegration of the concept, in which a plurality of orders compete with each other and there is no longer any element conferring stability to any particular conception of order, a situation which characterises the philosophical landscape of the nineteenth and twentieth centuries up to the present, where also the political conceptualisation of order starts to envisage the possibility, after the French Revolution, of "replacing" an order with another. The current predicament of order is therefore still characterised by attempts to rephrase order in the direction of overcoming the relativisation drift, either by re-establishing some sort of metaphysical conceptualisation (Voegelin, Kuhn), or through a postmetaphysical, scientific anchoring.

PART TWO — ORDER AND INTERNATIONAL RELATIONS

1.2 ORDER IN THE DOMAIN OF IPT/IR THEORY

1.2.1 *Order as recurrent concept in IR studies*

In the context of current IR studies, the concept of order, and the use of this word, is pervasive and almost ubiquitous. Nevertheless, as shall be discussed in more detail, explicit reflections about the nature of the concept within this social discipline have been so far rather limited in scope and in number, especially when compared to the frequency with which order is employed as a conceptual tool. Every student of IR, in any branch of this discipline, has necessarily become familiar with expressions such as world order, regional order, global order, Westphalian order, post-Cold War order, new world order, economic order and so on. Geopolitics, geo-economics, foreign policy analysis, international political economy, international political theory: none of these domains refrain from a widespread use of the term. In many professional publications, also recent ones, such as Francis Antony Boyle's *Foundations of World Order* (1999),[44] the edited volume *Order and Justice in IR* (2003),[45] Günther Auth's *International Society and the making of International Order* (2005),[46] Andrew Hurrell's *On Global Order* (2007),[47] Michális S. Michael and Fabio Petito's *Civilisational Dialogue and World Order* (2009),[48] Sai Felicia Krishna-Hensel's *Order and Disorder in IR* (2010),[49] the term "order" is incorporated into the very title of the work, thus indicating its centrality, but not necessarily that an analytical definition of order is the preoccupation, or one of the starting points, of

[44] Francis Antony Boyle, *Foundations of World Order: the Legalist Approach to International Relations (1898–1922)*, Durham: Duke University Press, 1999.
[45] Rosemary Foot, John Lewis Gaddis and Andrew Hurrell (eds.), *Order and Justice in International Relations*, Oxford: Oxford University Press, 2003.
[46] Günther Auth, *International Society and the Making of International Order*, Münster: LIT Verlag, 2005.
[47] Andrew Hurrell, *On Global Order. Power, Values and the Constitution of International Society*, Oxford: Oxford University Press, 2007.
[48] Michális S. Michael and Fabio Petito (eds.), *Civilisational Dialogue and World Order*, Basingstoke: Palgrave Macmillan, 2009.
[49] Sai Felicia Krishna-Hensel's *Order and Disorder in IR*, Farham: Ashgate, 2010.

their intellectual work. Along with countless other possible examples, these works largely rely on an implicit understanding of what order is, i.e. they treat "order" as some form of primitive concept, as with the idea of "number" or "set" in mathematics, for which a further, more analytical deconstruction is not possible. In most uses of the term and the concept of order in IR, the authors seem to imply that order is a category the meaning of which is well-known and which needs little clarification but for a possible degree of contextualisation (order for world politics, for a region, for the economic organisation, etc ...). Alternatively, "order" is taken as a symbolic representation of a current or proposed arrangement, however complex ("current world order" or "new world order"), as the brachylogical expression of "realist structures/systems" in a given setting, often as a counterpart to the effort directed towards examining the regulation of the international realm through normative and/or ethical societal bonds, as opposed to a certain Machiavellian understanding of international politics (as in the pair "order and justice"). However, "order" may not necessarily be associated with realism, as norms, either legal or ethical, can well create legal, moral, normative and conventional orders.

All these different uses of "order" are not new. They have been present within international studies essentially since its very beginning. And since its very beginning this term has been under-examined. Both Edward H. Carr and Hans Morgenthau, for example, make extensive use of this term without giving an explicit definition of the way in which they are using it and without listing the term in the analytical indexes of their respective works, even in the current editions.

The confusion surrounding the word and the concept of order in the domain of IR studies is therefore remarkable, as is the limited attention that it has attracted in terms of its precise conceptualisation. As shown above, with the brief historical reconstruction of the idea of order in its philosophical use, it is however clear at this point that order may not be simply considered as a primitive concept, requiring and allowing no further analytical definition and deconstruction. On the contrary, it appears that order has a complex, albeit obscure, constitutional structure, which deserves further investigation. While it may be accepted that order is *per se* a concept escaping a full and exhaustive articulation in all its components (as argued

by Foucault), particularly proceeding on the path of a sheer logical-analytical deconstruction, there is definitely enough room for the identification of conditions, components, references and mechanisms inherent to the idea of order, which shall come primarily from the examination of its historical genealogy.

1.2.2 *IR Theory and the concept of order: an examination*

1.2.2.1 *Raymond Aron*

Despite the limited amount of reflection on the concept of order in international studies, a number of attempts have been formulated, with varying degrees of success.

Raymond Aron advanced one of the first attempts to clarify the meaning of order in international politics. . According to a report published in 1966 by Stanley Hoffman,[50] during the *Conference for the Conditions of a World Order* held in Bellagio (Italy) in June 1965, Aron tried to formulate a comprehensive definition of the syntagma "world order". Setting out to classify all this expression's possible meanings, he envisaged five possibilities concerning the particular concept of "order". The first two are of purely descriptive nature, namely order as indicating *an arrangement or reality*, or as the *set of relations* between the parts which form that reality. Aron then proposed to define order either as the *minimum conditions for existence*, or alternatively as the *minimum conditions for co-existence*.[51] Lastly, another definition he offered was that of order as the set of conditions for a good life. According to Hoffmann's report, Aron asked the other panellists to disregard the last possible definition, and to focus instead on the definition of order as the set of minimum conditions for coexistence. As also reflected in his main work on international politics, *Peace and War*,[52] Aron was chiefly preoccupied with the examination of the contemporary international political situation, with the pur-

[50] Stanley Hoffmann, "*Report of the Conference on the Conditions of World Order, June 12–19 1965, Villa Serbelloni, Bellagio, Italy*" in *Dedalus*, Volume 95/2, pages 455–478.
[51] Hoffmann, *ibidem*, page 456.
[52] Raymond Aron, *Paix et Guerre entre les Nations*, Paris: Calmann-Lévy, 1962.

pose of creating a systematic narrative which could be backed by evidence coming from political philosophy, sociology, history and diplomatic practices. It is therefore not surprising that the way in which he addressed the problem of order at the 1965 conference was so clearly dependent upon the contingency of current events, rather than being open to a more abstract and general conceptualisation. Significantly, however, Aron's definition of order as the minimum set of conditions for co-existence is, on closer inspection, more promising than it appears. It is indeed a combination of both descriptive and normative aspects of the problem of order, a feature that will re-appear rather frequently in the examination of how order has been conceptualised in international studies. It is also open to a potentially infinite variety of changes in the institutional structure in which this order is supposed to exist. Co-existence was clearly imagined as a co-existence of states vis-à-vis other states, as dictated by the historical circumstances of the Cold War, but it is a definition which potentially may be applied to any other future or past form of political organisation.[53] As it does not prescribe specific ways in which co-existence shall be organised, the definition can be adapted to a plurality of different normative paradigms, thus envisaging the problem of historical change, and of shift between different societal and political organisations.

1.2.2.2 *Hedley Bull*

A more systematic and deeper reflection on order has been envisaged by Hedley Bull in his seminal work *The Anarchical Society: A Study of Order in World Politics*,[54] originally published in 1977. This book expressly contains a series of reflections on what order is supposed to mean in the IR domain, and it has managed to clarify important elements of what constitutes order and the problems that are implied when dealing with this idea. Bull advances first of all a reflection on order *per se*, before engaging with the issues of "world order" and "international order":

[53] On this point see Stefano Guzzini, *Realism in International Relations and International Political Economy*, London: Routledge, 1998, esp. Chapter 3, pages 32 ss.

[54] Hedley Bull, *The Anarchical Society. A Study of Order in World Politics*, Basingstoke: Palgrave Macmillan, 1977.

> [...] when we speak of order as opposed to disorder in social life we have in mind not any pattern or methodical arrangement among social phenomena, but a pattern of a particular sort. For a pattern may be evident in the behaviour of men or groups in violent conflict with one another, yet it is a situation we should characterise as disorderly.[55]

Order is therefore a recognisable pattern, but not any pattern, only those which present further features, primarily of normative and moral content, as the author explains:

> Sovereign states in circumstances of war and crisis may be behave in regular and methodical ways; individual men living in the conditions of fear and insecurity, described in Hobbes's account of the state of nature, may conduct themselves in conformity with some recurrent pattern, indeed Hobbes himself says they do; but these are examples not of order in social life but of disorder.
>
> The order which men look for in social life is not any pattern or regularity in the relations of human individuals or groups, but a pattern that leads to a particular result, an arrangement of social life such that it promotes certain goals or values.[56]

For Ian Harris, the concept of order as advanced by Bull presents a number of problematic aspects which the author does not explicitly recognise and identify. The most important issue concerns the hybrid nature of a so-defined order, which lies between a fact and a value.[57] Order is indeed a fact, i.e. a *status*, an arrangement of the world, as long as it is conceptualised as a pattern, but at the same time not every pattern is an order: only those patterns which entail a particular normative dimension. Bull draws on the Augustinian definition of order and envisages the development of a theory of social values. As already illustrated above, Augustine elaborated indeed a purposive conception of order, defined in functional terms,

[55] Bull, *ibidem*, page 3.
[56] Bull, *ibidem*, page 3–4.
[57] Ian Harris, "*Order and Justice in the Anarchical Society*", in *International Affairs*, Volume 69, Number 4, October 1993, pages 725–741.

when he described it as "a good disposition of discrepant parts, each in its fittest place". Bull's indication of his reliance on Augustine is very explicit:

> [...] Augustine's definition at once raises the question: 'good' or 'fittest' for what? Order in this purposive sense is necessarily a relative concept: an arrangement (say, of books) that is orderly in relation to one purpose (finding a book by a particular author) may be disorderly in relation to another purpose.[58]

Bull seems to suggest that, while there are many possibilities for actively creating, or passively recognising, patterns within a given reality, only those patterns which reflect some normative goal can be correctly described as order. It would therefore seem that whether or not a certain constellation of elements represents an "order" is a question directly related to the normative values that inform the constellation itself, and the pattern that characterises its internal organisation. There is therefore no "morally neutral" order, in the sense that order cannot be seen without taking into consideration the normative dimension. Many different patterns are indeed possible but only a very few of them can be considered order. The focus of the problem of order shifts from a definition of order to the problem of identifying those normative values which, once present in a pattern, make that same pattern an order. The definition itself of order as a value, and the lack of an argument in which such thesis is articulated and justified, represents one of the most significant limitations of Bull's conceptualisation of order, which remains indeed largely confined to a phenomenological dimension.[59]

As already in the case of Aron, Bull seems to work on a conceptual definition which is conceived with the main goal of offering descriptive tools for the understanding of international political problems of the time, despite the seemingly

[58] Bull, *The Anarchical Society*, page 4.

[59] Ian Harris, "*Order and Justice in the Anarchical Society*", *op. cit.*, page 729: The intention implicit in Bull's project leaves the location of Order among values unclear and, indeed, treats it in a phenomenological rather than in an explanatory way. Both of these characteristics may be traced to the informal manner in which Bull treated Order as a value. He announced its character as a value without argument. While it is not needful to insist upon logomachy in every connection, it is surely necessary to offer an explanation of why Order is to be accounted a value. Bull's omission of any such explanation obviously renders the place of Order among values uncertain.

philosophical drive, which does not, however, reach too far. The underlying practical preoccupation of Bull's theoretical work may also be seen in the way in which he successively offers definitions of both "international order" and "world order". The first considers order within the given framework of a world divided among states, therefore encompassing a contingent situation that, although unlikely to disappear any time soon from the current functioning of the international relations, was not considered by Bull (and many others, in different fashions) as everlasting and necessary:

> By international order I mean a pattern of activity that sustains the elementary or primary goals of the society of states, or international society.[60]

Bull was conscious of the nature of states as the social arrangement that characterises modernity, but he was also ready to envisage a world in which states would no longer play such a central role in the political organisation of human beings. If so, what happens to order if international order is no longer possible, or viable? Bull understood international order as a specific category of a broader conception of order, which he called world order, representing the ultimate dimension in which a political order for mankind can be formulated:

> By world order I mean those patterns or dispositions of human activity that sustain the elementary or primary goals of social life among mankind as a whole. International order is order among states; but states are simply groupings of men, and men may be grouped in such a way that they do not form states at all. Moreover, where they are grouped into states, they are grouped in other ways also. Underlying the questions we raise about order among states there are deeper questions, of more enduring importance, about order in the great society of all mankind.[61]

[60] Bull, *The Anarchical Society*, page 8.
[61] Bull, *ibidem*, page 19.

The phenomenological and historical take on the problem of order in Bull's formulation becomes more evident when looking at his further description of the contemporary world order as built on a system of states, which forms as well the necessary antecedent of any successive, future formulation of order at a practical level:

> The first global political system has taken the form of a global system of states. [...] While the world political system that exists at present takes the form of a system of states, or takes principally this form (we shall contend later that a world political system is emerging of which the system of states is only part), world order could in principle be achieved by other forms of universal political organisation, and a standing question is whether world order | might not better be served by such other forms. Other forms of universal political organisation have existed in the past on a less than global scale; in the broad sweep of human history, indeed, the form of the state system has been the exception rather than the rule.[62]

Bull envisages a differentiation between "world order" and "international order". While the order of the states is effectively equated with the current dominant form of international order, world order or "order among mankind" appears as something wider, more "fundamental and primordial" and even "morally " superior. The superiority of the idea of world order over international order lies in Bull's conviction that "the ultimate units of the great society of all mankind are not states (or nations, tribes, empires, classes or parties) but individual human beings, which are permanent and indestructible in a sense in which groupings of them of this or that sort are not".[63] The moral priority of world order as the ordering of the whole of mankind as constituted by individuals over international order is justified by Bull again with the evaluation of order as an ethical and social value, which comes in a defined hierarchy of values. In the context of this ethical evaluation, the "order among all mankind" is to be treated as the "primary value", and as superior to

[62] Bull, *ibidem*, page 20–21.
[63] Bull, *ibidem*, page 21.

the "order within the society of states". Importantly, Bull also adds that: "If international order does have value, this can only be because it is instrumental to the goal of order in human society as a whole."[64]

The idea of world order is therefore a moral and philosophical *prius*, but historically it has emerged as a recognisable and tangible topic only after the creation of a global political system, in the form of inter-state order. This is the first element of Bull's formulation of world order. The second important element is that Bull seems to suggest that a pure world order is a form of social and political arrangement which puts the individual, and not a collective social body, at the centre of world political life. In this sense Bull seems to have anticipated, as later confirmed by Barry Buzan's work,[65] a strong drive within the English school for the expansion of the classical liberal-individualistic spirit from the domestic political realm of the nation-state to a global dimension.

Bull puts at the centre of his conception of order the idea that order cannot exist without the previous creation of a society: at the international level this has been the case with the idea of international and inter-state order: these and any other form of order need the creation of an underlying social order, as could be the case with a world order based on individuals (and based no longer or, better, no longer primarily on collective bodies such as states), which implies the previous creation of a world society or, in Bull's own words, the *great society of all mankind*.

This conception of world order is nevertheless rather problematic. As already highlighted with reference to Ian Harris's critique, Bull's reflection seems phenomenological rather than conceptual and analytical. It poses order both as fact and as value, but it does not advance a theoretical argument which may connect the two dimensions and make them co-exist. Furthermore, even accepting the idea of order as a value, namely a value coming from a certain arrangement of things in the world, and an arrangement dictated by some normative principle, it

[64] Bull, *ibidem*, page 21.
[65] Barry Buzan, *From International to World Society. English School Theory and the Social Structure of Globalization*, Cambridge: Cambridge University Press, 2004.

is still unclear, and it is left undetermined, what constitutes this order-value and the underlying normative principle.

1.2.2.3 *Friedrich Kratochwil*

Friedrich Kratochwil's 1978 book *International Order and Foreign Policy*[66] represents a more direct approach to the problem of order in IR with a more philosophically sophisticated perspective, encompassing the problem of change in the succession of different models of order. Kratochwil embraces an openly monistic position, in epistemological terms, which clearly anticipates his later theoretical work as constructivist. His view on order rests on the basic assumption that "the analysis of international order requires a study of the processes by which particular conventions — or "rules of the game" [...] arise, persist, change and decay [...] crucial to this approach is the belief that human action is "rule governed" and that in the process of interaction, the meaning of the various moves on each side becomes intelligible to the participants, when they start to acquire a common background knowledge".[67]

Kratochwil's idea of order is directly inspired by Hume's account of conventions, i.e. an order based on the spontaneous development of norms via socialisation in absence of a central authority, norms arising from the iteration of bargaining relationships. In conjunction to this aspect, Kratochwil distinguishes between international order and world order, in a way not dissimilar from Bull's, focusing on the first as the domain in which such processes of socialisation (largely, between states) have taken place. Order for Kratochwil rests on the way in which interactions are established between the various actors and are in turn dependent upon the symbolic order in which the formulation of expectations, from the side of the actor, takes shape: "in iterative bargains precedents, customs and traditions" which can "serve as guide posts for structuring expectations, thus making the coordination of choices possible." Furthermore, "the availability of commonly shared symbols

[66] Friedrich Kratochwil, *International Order and Foreign Policy*, Boulder CO: Westview Press, 1978.
[67] Kratochwil, *ibidem*, page 2.

allows an assessment of the moves of the other party, and may therefore allow for the development of interactions without major disappointments".[68]

These structured expectations are the key elements of order in Kratochwil's argument, as they are defined as the "most decisive variable" in both the creation and the maintenance of order, while force is only one of the various ways in which expectations are shaped and organised. Internationally, the structure of expectations depends on historical experience and on norms evolving out of iterative bargains, although such a structure is subject to periodical, recurrent collapses as "no overarching loyalties or interests can be invoked". A second way to create order relies instead upon the manipulation of the symbolic universe and in the shaping of perceptions. Kratochwil argues that groups are formed "through the invocation of shared symbols", allowing for the establishment of patterns in human action and a common public space open to all.[69]

Kratochwil drafts in such a way an idea of order that can be both normative and explanatory, thus encompassing the two basic criteria already indicated by Aron. His model appears to be open to both the dialectical change of world politics and the acceptance of normative elements that reduce its determinism, and manage therefore to create a conceptual bridge between an analytical dimension of description and explanation, and the moral elements that are included within the reflection on the formation of convention based on expectation and the symbolic language that allows reciprocal interaction.

1.2.2.4 *James Rosenau*

Similar to Kratochwil's conception of order in international politics is the one advanced by James Rosenau, according to whom "global order consists of those routinized arrangements through which world politics gets from one moment in the time to the next".[70] Rosenau is not exclusively interested in order, but in the rela-

[68] Kratochwil, *ibidem*, page 13.
[69] Kratochwil, *ibidem*, page 13.
[70] James Rosenau, "*Governance, Change and Order in World Politics*", in James N. Rosenau and Ernst O. Czempiel (eds.), *Governance without Government: Order and Change in International Relations*, Cambridge: Cambridge University Press, 1992, page 5.

tionship between order as a set of routinized arrangements, and governance, where governance is intended as those "activities backed by shared goals that may or may not derive from the legally and formally prescribed responsibilities and that do not necessarily rely on police powers to overcome defiance and attain compliance".

Alternatively, Rosenau defines governance as "a system of rule that works only if it is accepted by the majority (or, at least, by the most powerful of those it affects)".[71]

Rosenau poses in his work an interesting set of questions about both the nature of order and the relation that the concept has with the reality of world politics. He tries to address the issue of the origin of order by explaining it as a mediation between voluntary arrangements and patterns emerging involuntarily from the unpredictable interaction of the agents. He also introduces the intuitive distinction between order as *analytic* and order as *normative* concept, where the first is defined in terms of its nature as description, the second as judgement. Rosenau points out how analytical definitions of order can be charged of being devoid of any normative judgement, and how the normative ones can be accused of not being a sufficiently accurate description of the reality. While on the one hand neglecting this distinction can lead to the "risk of either clouding sound analysis with preferred outcomes or confounding preferred outcomes with empirically faulty recommendations", on the other hand "no degree of sensitivity can prevent some confusion along these lines".[72] Further adding to the confusion, Rosenau argues that this differentiation of empirical and normative order can be better illustrated by considering whether "global arrangements marked by a high degree of disorder are to be considered as a form of order", in the sense that, eventually, what appears to be disorder can be still described as an ordered system (e.g. a system of conflicts), given that "a vast array of diverse arrangements can qualify as forms of order". The descriptive, analytical order can especially indicate the "arrangements through which global affairs move through time".[73] Nevertheless, Rosenau seems to side with those who "associate order with minimal degrees of stability and coherence, so that periods

[71] Rosenau, *ibidem*, page 4.
[72] Rosenau, *ibidem*, page 10.
[73] Rosenau, *ibidem*, page 10.

[...] marked by wars, exploitation" and "other noxious practices" are viewed as disorder, chaos, entropy. According to this formulation, which does remain vague in its constitutive elements, order should "have a positive, normative connotation", even if sometimes "too much stability and coherence can be expressive of stagnant arrangements" allowing "little or no progress".[74]

Order in Rosenau's formulation is further characterised by degrees of complexity, as there are effectively "layers" of empirical order. Order is not constituted solely by one arrangement, but by a stratification of arrangements. Indeed, those patterns which constitute the order of international politics "recur at diverse sites, at different rates, in various forms" and all together they comprise an "organic whole", as each pattern shapes and it is shaped by the others".[75] At the fundamental level, Rosenau distinguishes within order in international politics three different level of patterns: 1) the "ideational or intersubjective" level of what people "dimly sense", "perceive" and understand, identifies those "arrangements through which their affairs are handled"; 2) the behavioural level of "what people regularly or routinely do, often unknowlingly, to maintain the prevailing global arrangements"; 3) the "aggregate or political level", namely the institutions and their reciprocal relations.[76] Rosenau is also interested in the problem of change and in the transition between different forms of order, which can be explained as the product of alteration in one of the envisaged patterns, although this is not a satisfactory answer, as it "ignores the key question of what underlies changes in the ideational, behavioural, and institutional dynamics". The exploration of this change appears to be particularly problematic, as the description and explanation of those patterns is in turn dependent upon a plethora of scientific, normative, methodological and philosophical assumptions. Eventually then, there are "no final answers to these questions", because "much depends on how order and change are conceptualised".[77]

Despite being able to grasp a number of key points with reference to the problem of order, namely its complexity and its dependence upon a number of under-

[74] Rosenau, *ibidem*, page 11.
[75] Rosenau, *ibidem*, page 12.
[76] Rosenau, *ibidem*, page 14.
[77] Rosenau, *ibidem*, page 19.

lying puzzles, the empirical and normative dimension and the problems of change, Rosenau appears little interested in deepening the investigation about this concept, while he decisively turns towards the analysis of questions which are pertinent to the "unfolding international scene".[78]

1.2.2.5 *Robert McKinlay and Richard Little*

A text addressing the issue of order in its constitutive elements is the 1986 book by Robert D. McKinlay and Richard Little *Global Problems and World Order*. The authors developed the core idea of order as a pattern, by highlighting the possible existence of a multitude of equally recognisable patterns, once different epistemologies are applied to the same puzzle.[79] Their reflection about the nature of order in international politics and social science more generally is formulated primarily by taking into account the epistemological side of the identification of patterns within a given puzzle. Knowledge is defined as the accumulation of explanatory patterns, each of which is the product of a different epistemological approach, where epistemology is conceptualised as a "collection of methodological rules containing postulates and rules of inquiry". As "there is no one body of knowledge but as many bodies as there are epistemologies", so there are also different recognisable patterns within the same set of data being studied, and different orders. McKinlay and Little push this rather radical view on the differentiation of epistemologies and the derived images of order as much to write:

> There are then many orders, each dependent on its own epistemology, and since any epistemology can only be understood in terms of its own rules, when then bodies of knowledge, based on different epistemologies, come into conflict, that conflict must be irreconciliable.[80]

While this is considered valid in general for any idea of order, more specifically in the case of social sciences and clearly of IR studies what is considered order must entail a further element of purpose or meaning. An order is only such when

[78] Rosenau, *ibidem*, page 20.
[79] Robert D. McKinlay and Richard Little, *Global Problems and World Order*, London: Frances Pinter, 1986.
[80] McKinlay and Little, *ibidem*, page 14.

it is functional for the attainment of a certain aim, what the authors identify as goal satisfaction. In the example of a set of books to be ordered on a bookshelf, it is clearly possible to identify different criteria of order (from the thinnest to the thickest, from the oldest to the newest and so on), but order in this case can only make full sense if we entail the relation that the collection of books will have with the person who is going to use those books, and therefore its interest in an order which is functional for a certain goal satisfaction. From here, McKinlay and Little arrive at their second conceptualisation of order, which must always "specify [an] underlying goal", as order is precisely defined "in terms of goal satisfaction or goal attainment". On the other hand, disorder and problems arise when this goal is not achieved. There is a continuity between the two definitions of order thus formulated, lying namely in the fact that "any goal will be based, wittingly or unwittingly, on a structural arrangement or pattern deemed necessary to pursue the goal." The structural arrangement becomes comprehensible only in the context of the goal.[81] The problem of order is therefore decisively shaped by the purpose of the ordering exercise, something that is outside the concept of order itself, and which belongs to the realm of normative propositions. These two authors continue in their book with an analysis of the various conceptions of purposive order, inspired by different ideological settings (liberal, socialist, realist) pointing to the divergent roots of the various purposes and epistemologies, thus making an argument for the fundamental incommensurability of different formulations of order, as they depend upon different sets of operational rules which regulate pattern identification and creation. These rules identify patterns as such "when otherwise disparate information is arrayed in a coherent manner", and "pattern-creating is that process whereby coherence and structure are provided in an area that would otherwise simply represent a confusion or a disarray".[82]

While McKinlay and Little could, in this early discussion of order and IR, identify some of the key characteristic of the issue, it also appears that their formulation leaves at least three sets of questions unexplored: first, the nature of this purpose, and the relation between the agent/knower, the order and the purpose: a constella-

[81] McKinlay and Little, *ibidem*, page 16.
[82] McKinlay and Little, *ibidem*, page 268.

tion that can be effectively expanded to comprehend the epistemological roots of pattern recognition and the possible incommensurability of alternative epistemological perspectives (something of a Kuhnian argument); second, the problem of change in order, and the shift between different purposes, epistemologies, and ultimately different ideas of order; third, a clear distinction between order as "fact" (is there an order in the world "out there"? Is the world in a state of order? Do we need a new order? And so on) or order as idea or project (how do we think about order? How do we philosophically construct the purpose and the structure that an order should entail?). Finally, these two authors, while they envisage an important point when they identify the constitutive link between epistemological discourses and conceptualisations of order, tend to confer to epistemologies a monolithic structure which does not get problematised in the development of their argument. The later insurgence of constructivism and other orientations in IR studies, characterised by eclectic epistemological positions, suggests instead that clear-cut classifications of typologies of order in relation to the underlying epistemologies may well be an oversimplification of the issue.

1.2.2.6 *Stanley Hoffmann*

Stanley Hoffmann has addressed the issue of order in its declination as "international order" or "world order" in his essay "*Is There an International Order*?".[83] Hoffmann begins by considering that "the problem of world order is quite different from that of domestic political order", i.e. order among the social groups living within the same political unit. This difference is chiefly attributable, in Hoffmann's view, to anarchy (i.e. absence of central power above the units) and to "the absence or weakness of common norms". He highlights the immediate emergence of the double nature of the question of defining order as both analytical and normative, eventually encompassed by the question: "can there be both anarchy and order?".[84] Hoffmann conducts his inquiry about order along rather established lines, essentially presenting an historical reconstruction of the various kinds of or-

[83] Stanley Hoffmann, "*Is There an International Order?*", in *Janus and Minerva: Essays in the Theory and Practice of International Politics*, Boulder and London: Westview Press, 1987, pages 85- 121.
[84] Hoffmann, *ibidem*, pages 85–86.

der (based on empires, feudal structures and sovereign states), before presenting a short reflection about the way in which international political order has been conceptualised. Again, this reflection occurs largely in relation to a historical narrative of established philosophical formulations, and leads to the identification of two models. The first model of order is that of "precarious peace or troubled order", which emerged out of the collapse of the theology-based Medieval order, yielding "to the pressure of facts", namely with the "appearance of the modern territorial state of absolute sovereignty, the loss of authority by the pope and the church, the secularization of natural law". This form of order is characterised by the core preoccupation of coordinating forces "capable of ensuing a minimum of order", forces resulting from the "common sociability and common interests", and directed towards the creation and maintenance of common norms, i.e. of international law.[85] The second model of order which has been historically advanced with the aim of finding a philosophical systematisation of modern international politics has been based on "the idea of war", whereby "in the relations among states, everything is war or the preparation of war", while "common norms are fragile, temporary to the quantity of power that supports them, dependent on a momentary convergence of interests". This second model, constructed on the literary reference of Thucydides and the reflections of Machiavelli, had its greatest theorist in Thomas Hobbes, who formulated it "in its purest form". [86]

Hoffmann utilises here a quite established conception of order within IR literature, one that does not go into the discussion of the very idea of order *per se*, but focuses on an intuitively common perception of the topic in IR literature, well established after Bull's main book on the topic, to which Hoffmann explicitly refers. This somehow simplistic handling of the problem of order enables him to move forward with the discussion of the kind of order relevant to the time in which he was writing, namely the later phase of the cold war. But the key features of order as a theoretical concept still remain unexplored, as Hoffmann fundamentally equates order in its different formulations with the divergent ontological theories of international politics.

[85] Hoffmann, *ibidem*, page 93.
[86] Hoffmann, *ibidem*, page 93.

1.2.2.7 *Richard Falk*

Richard Falk has attempted a systematisation of the issue of order in international studies since the 1970s, with the launch of a research programme denominated World Order Project Model (WOMP). The WOMP was essentially a research programme developed in the US, aimed at critically re-assessing IR studies in relation to normative values that could lead to the transcendence of the state-based system of international relations. In Falk's own words:

> Founded on dissatisfaction with the professional judgment that a statist framework of world politics is here to stay, the world order approach critically examines the durability and adequacy of statism, proposes alternative political frameworks and considers strategies and scenarios that might facilitate the transition to a post-statist type of world order. Furthermore, it takes the realization of values (peacefulness, economic well- being, social and political justice, ecological balance, and human governance), rather than materialistic and technological gains, as the decisive criterion of progress in human affairs.[87]

The WOMP focused on a series of "global issues" of inequality, poverty, access to education, freedom etc. and proposed alternative views that could be more effective in tackling them than the dominant realist paradigm. This approach was formulated as a combination of "analytic, empirical, ideological, and normative concerns" in the definition of new world order, namely one which "involves studying the extent to which a given past, present or future arrangement of power and authority is able to realize a set of human values". Those values have to be beneficial to all people, applicable to the whole world and must have some "objectivity by their connection with a conception of basic human needs, as required for the healthy development of the human person".[88]

[87] Richard Falk, *The End of World Order: Essays on Normative International Relations*, New York and London : Holmes & Meier, 1983, page 35.
[88] Falk, *ibidem*, pages 45–46.

Falk's work appears largely concentrated on order as a given state of affairs, and his main preoccupation is to change that order, by proposing alternative ways of organising human life. He relied on a distinction between international order and world order that is indeed closed to Bull's earlier formulation, and he understood world order as the way in which the life of mankind as a supreme collectivity can be organised. The WOMP is therefore dominated by normative preoccupations which stem from a cosmopolitan understanding of the world and the obsolescence, and the inadequacy, of a state-based form of order, indeed a recurrent theme in IR literature at least from its early founders (also E.H. Carr envisaged this possibility) and continued today in various forms from different perspectives.

The main critique that can be raised against the WOMP and Falk's understanding of order is the missing "dialectical" sense that the idea of order should entail. Falk tends to focus on the contingent dominant world order (the state- based order) while proposing alterations to it, and the introduction into the IR debate of different instances. But what is missing is a broader reflection on the nature of order itself, how a certain order can arise, and evolve and be dismissed. The problem of change, in other words, as highlighted by Aron's formulation of the issue, remains underdeveloped in Falk's work.

1.2.2.8 *John Hall and T.V. Paul*

John A. Hall and Thazha Varkey Paul,[89] have offered a brief reflection on the nature of order in international studies, one which nevertheless captures and rediscovers a number of interesting and important points. They correctly frame the problem of order as one of special complexity and therefore as open to controversies, mainly because order "carries normative and ideological connotations" which are in turn based on how social, political and economic systems are formulated. There is hence a latent relativism which is inherent in a certain perception of order, since "order and peace to one group of nations and may be perceived differently by another". Even more importantly, "differences also arise due to the normative

[89] John A. Hall and Thazha Varkey Paul (eds.), *International Order and the Future of World Politics*, Cambridge: Cambridge University Press, 1999.

concern as to whether order implies a minimum condition of co-existence", where co-existence, a phrase that recalls both Aron's and Hoffmann's discussion of order, is articulated as the avoidance of "destructive warfare", or, again quoting Hoffmann, an international arrangement allowing the well-being and prosperity of all political communities. Hall and Paul seem to concentrate, however, on the first aspect of co-existence and avoidance of full-scale military confrontations, especially in the nuclear age, where therefore "the success of an international order is predicated on the extent to which it can accommodate change without violence".[90]

1.2.3 *Mapping IR Theory Literature/Nicholas Rengger*

Over a decade from it publication in 2000, Nicholas Rengger's book *International Relations, Political Theory and the Problem of Order* still represents the standard reference on the concept of order within IR studies.[91] While already Richard Falk had envisaged the possibility of classifying the various IR theories according to their attitude towards the currently prevalent world arrangement into different categories, Rengger has been able to carry out this project in a more accomplished way with a rational investigation of the various fundamental positions in relation to order, and consequently to read the entire landscape of IR theories from the viewpoint of order and its conceptualisation. Rengger's classificatory work is worth retaining not only as it allows a partial overcoming of the limited amount of direct work on the specific topic of order that it is possible to find and reference, given the difficulties that IR as a discipline has encountered in articulating a clear answer to the question.[92] It also represents a way in which it is possible to make the question of order emerge from the implicit language of IR theories on this point, where the category of order, although rarely scrutinised in an analytical fashion, is nevertheless often present.

[90] Hall and Paul, *ibidem*, page 2.
[91] Nicholas Rengger, *International Relations, Political Theory and the Problem of Order. Beyond International Relations Theory?*, London and New York: Routledge, 2000.
[92] Rengger, *ibidem*, page 17.

On the other hand, there is of course a series of limits that it is possible to envisage in such classificatory work. Firstly, as in every taxonomic exercise, there are uncertain cases of attribution, and somehow arbitrary borders have to be drawn between contiguous theoretical perspectives. As every scholar familiar with IR theory knows, already the canonical divisions between classes of theories (realism, liberalism, constructivism and so forth), which represent what are euphemistically referred to as "schools of thought", "traditions" or "umbrella terms", somehow present an unavoidable oversimplification. On the other hand, this kind of simplification appears difficult to overcome for didactical, and, in connection to this aspect, for general orientation purposes. General taxonomic mapping of IR theory usually proceeds on an already ambiguous criterion of labelling each theoretical work on the basis of its ontological and/or epistemological foundations. The ambiguity of this mapping is already inherent in the lack of uniformity in the guiding criterion, given the absence of a stable definition of ontology for this particular social scientific domain, and its complex relation to epistemological questions.[93]

After the publication of Rengger's book on order in 2000, the landscape of IR theory has not undergone significant revolutions or radical transformations. The main theoretical strands are largely the evolution or integration of paradigms and research programmes which often existed already during the 1990s, or even before. Of particular interest from the perspective of the problem of order has been the proliferation of works in the field of "global justice", and the broadening borders of critical theory, which has further enhanced the status of historical sociology, neo-Marxism, post-structuralism, post-colonialism and feminist theory within the discipline.

The growth of global justice scholarship has produced attempts at synthetising, with a variable degree of success, instances issuing from emancipatory thrusts with the re-conceptualisation of international institutions and international organisation at a global level. The "global justice" IR literature has therefore concentrated on the images of "global citizenship" and the social institutions which are supposed

[93] See on this point, Patrick Thaddeus Jackson, *The Conduct of Inquiry in International Relations: Philosophy of Science and its Implications for the Study of World Politics*, London: Routledge, 2011.

to give meaning to such a citizenship, and on "global governance", namely the set of legal and organisational arrangements which are seen as necessary in order to tackle problems for which the nation states, even the most powerful ones, cannot successfully act in isolation. This set of debates has generated even more integration between paradigmatic distinctions within IR theory, particularly between critical theory and liberal political theories, proving taxonomic exercises even more challenging.[94]

The development of a richer critical literature in IR theory, particularly in the direction of neo-Marxist and post-structuralist tendencies, and largely built around the methodological tool of genealogical enquiry and conceptual deconstruction, has further contributed to the relativisation of the boundaries between strands of IR theory, by showing the historical and conceptual overlap of many theoretical positions when observed from different viewpoints, namely the Marxist critique of political economy, the feminist gender-based critique, and the postcolonial critique against Eurocentrism.

Nevertheless, despite the existence of a number of limits to the classificatory work of IR theories in relation to the problem of order, and the time elapsed from the publication of Rengger's book, his taxonomy exercise can still be regarded as a useful tool for the sake of orientation and for a rational arrangement of an otherwise hardly manageable material, when the limits of this classification are taken into account, even more so when considering the latest developments in IR theory.

1.2.3.1 *The Management of Order/Balance*

Rengger operates a first distinction between those theories which are exclusively interested in an analysis of the world, its description and explanations, and those which have a normative content and are therefore aimed at understanding the world in order to promote a change, in a particular direction or *telos*.[95]

[94] Cf. Thomas Brooks, *Global Justice and International Affairs*, Leiden and Boston MA: Brill, 2012; Stephen C. Roach, *Critical Theory of International Politics : Complementarity, Justice, and Governance*, London and New York: Routledge, 2010; Kimberly Hutchings, *Global Ethics: An Introduction*, Cambridge ad Maiden MA: Polity Press, 2010.

[95] Rengger, *ibidem*, pages 21 ss.

To the first "family" of theories Rengger attributes all those theories which address order as an issue to be *managed*. The management of order is based on the general acceptance of the practices of politics, and particularly for the modern world, of those practices arising from the politics of state sovereignty. Since sovereignty and the structures of the state-system are understood as a non-modifiable (at least non totally, and not in the present time) feature of the world, the question of order is framed as the fashion in which those given elements can be organised to avoid catastrophic outcomes (and especially war), but it also often entails cosmopolitan elements that can partially transcend the state-centred image of world politics. The opposite approach to world order is based instead on the *problematisation* of the way in which world politics, and the issue of world order within it, is normally understood, through the deconstruction of the various concepts on which it rests, such as sovereignty, power, war, peace and so on.

Rengger distinguishes three groups of theorists whose understanding of order is based on the preoccupation of its management, namely those who see order as emerging from balance, or from forms of societal cooperation, and finally from institutionalised regulative mechanisms.[96] Clearly this classification encompasses a large variety of theoretical positions, based on sets of very diverse political and philosophical positions.

The management of order through balance is a characteristic feature of realist theories of IR. Balance is predicated on the situation of anarchy where political actors in the international domain have to operate. The concept of order emerging from IR theories, based on an analysis of the conditions of balance (and the study of imbalances and their consequences), is one in which "order" tends to be coincidental with an overall equilibrium of strategic forces. This conception of international politics and order within it, as summarised by Michael J. Smith in his investigation about the realist tradition,[97] rests on a series of axiomatic assumptions: the universality of human nature, despite the variety of its manifestations, and within this nature the inclination towards domination (*animus dominandi*); the hierarchi-

[96] Rengger, *ibidem*, page 22 ss.
[97] Michael J. Smith, *Realist Thought from Weber to Kissinger*, Baton Rouge: Louisiana University Press, 1986.

cally superior position of the collectivity vis-à-vis the individual in the ordering of social life, which is chiefly reflected in the supreme role assumed by the state in modern international politics; the ubiquitous and unavoidable character of the pursuit of power by individuals and collectivities; and lastly, the possibility of operating a rational analysis of international politics precisely because this is ruled by general laws governing human actions. The realist conception of order as balance is therefore predicated on the mutual constraints generated by competing thrusts for power, coming from different actors. Since the key features of politics are not prone to change, this excludes the possibility of a continuous modification of the driving forces and principles of politics, which remain in their basic dynamics always the same, and their historical patterns show a tendency to reproduce themselves over and over.

Order as balance also poses, however, a tragic choice between the rules of *Machtpolitik* and the moral implication of its consequences. In a famous passage also quoted by Rengger, Morgenthau has summarised the difficult, if not impossible, coexistence of political and moral orders as follows:

> To act successfully, that is according to the rules of the political art, is political wisdom. To know with despair that the political act is inevitably evil, and to act nevertheless, is moral courage. To choose among several expedient actions the least evil one is moral judgement. In the combination of political wisdom, moral courage and moral judgement man reconciles his political nature with his moral destiny. That this conciliation is nothing more than a *modus vivendi*, uneasy, precarious, and even paradoxical, can disappoint only those who prefer to gloss over and distort the tragic contradictions of human existence with the soothing logic of a specious accord.[98]

Within such a context, and in the framework of the above mentioned assumptions underpinning realist international political thought, order can only be the

[98] Hans Morgenthau, *Scientific Man vs. Power Politics*, Chicago: Chicago University Press, 1946, page 203; cf. Rengger, *The Problem of Order*, page 42.

way in which the world of politics and the moral destiny of man may try to coexist, albeit in a precarious way and only to a limited degree:

> [...] in the absence of an integrated international society, the attainment of a modicum of order and the realisation of a minimum of moral values are predicated upon the existence of national communities capable of preserving order and realising moral values within the limits of their power.[99]

Order is therefore primarily conceivable as domestic order, i.e. order within the boundaries of a political community, or a state in the modern formulation of political life. Outside the border of states, and between states, order can only be conceived as a situation arising from the reciprocal strategic posture of the various units and the management of the resulting system of rivalries and alliances.

As again noticed by Rengger, in the passage from classical realism to neo-realism and with the introduction of microeconomic analysis to the study of international politics, the discussion on balance becomes more technically concerned with the refinement of its scientific criteria, while it loses its concerns about human nature and the moral destiny of man, thus suggesting a conception of order that is solely dependent upon the mechanics of the structure of inter- state politics. This way of addressing the problem of order, from Kenneth Waltz's *Theory of International Politics*,[100] has been extremely important since the success of Waltz's theory, which has dominated IR studies in the last three decades. This has had profound implications in diverting the attention for order as a topic, simply because the balance of power, as conceptualised by Waltz, "is not couched in terms of a response to the problem of order". This happens because neo-realism ceases to see order as a problem, while it reduces it "simply to the status of an 'organizing principle' of a system with no normative warrant at all". Neo-realism turns decisively its attention away from the problem of order, while concerning itself with other questions.[101]

[99] Hans Morgenthau, *American Foreign Policy: A Critical Examination*, London: Methuen, 1952, page 98.
[100] Kenneth Waltz, *Theory of International Politics*, Reading (MA): Addison-Wesley Publishers, 1979.
[101] Rengger, *The Problem of Order*, page 49.

Later developments of realist IR theories have not significantly changed the picture in relation to order, as order has remained largely an issue of "management", and little or no analytical exploration of the concept itself. Randall L. Schweller's neoclassical realism has distanced itself partially from the neo-realist argument by advocating the recovering of investigation in both domestic political structures and the formation and exercise of leadership for the understanding of international politics, which is therefore not exclusively shaped by structural arrangements and the mutual interaction of the various units. Schweller has advanced the opinion that "complex domestic political processes act as transmission belts that channel, mediate, and (re)direct policy outputs in response to external forces". These processes and their study are the key to understanding why "states often react differently to similar systemic pressures and opportunities" precisely because "their responses may be less motivated by systemic level factors than domestic ones".[102] But the problem of order continues to remain framed as a question of management. The same re-proposition of order as an issue to be managed can be found, albeit from opposed perspectives, both in defensive and offensive structural realism. The first, largely developed by the same Kenneth Waltz in his later works,[103] and by Charles L. Glaser,[104] explains the international behaviour of states as dictated by security concerns and mutual threats in a competing environment. The second, largely formulated by John J. Mearsheimer in his *The Tragedy of Great Power Politics*,[105] while it accepts the main tenets of the realist tradition, explains the behaviour of great powers, predominantly in a historical perspective, as the product of policies aimed at the maximisation of power, including the achievement of regional hegemony.

[102] Randall L. Schweller, *Unanswered Threats: Political Constraints on the Balance of Power*, Princeton NJ: Princeton University Press, 2006, page 6.
[103] Cf. Kenneth Waltz, "*The Enduring Relevance of the Realist Tradition*", in Ira Kaznelson and Helen V. Milner (eds.), *Political Science: State of the Discipline*, New York: Norton, 2002.
[104] Charles L. Glaser, "*The Necessary and Natural Evolution of Structural Realism*", in John A. Vasquez and Colin Elman (eds.), *Realism and the Balancing of Power: A New Debate*, Upper Saddle River, NJ: Prentice Hall, 2003.
[105] John J. Mearsheimer, *The Tragedy of Great Power Politics*, London and New York: Norton, 2001.

1.2.3.2 *The Management of Order/Social Institutions and Organisations*

In his classification of IR theories in their approaches to the question of order, the second set of theories based on the idea of management of order is grounded in the view that actors in the international realm do not live in a Hobbesian state of war, but form, rather, a (however imperfect) society of some sort, i.e. an international society.

While this concept has famously become the distinctive mark of the English School, from the perspective of the problem of order the group of theories that go under this category is definitely broader, and encompasses also all those authors who see order in international politics as the result of established rules and social practices, and hence order as a product of social interaction among the various actors. This comprises therefore also a large part of constructivist theories. Their answer to the problem of order, as already illustrated in the case of Hedley Bull, is that order is a function of the social realm which produces it, in various different degrees of depth. The existence of order in a certain time in world politics depends on the health of the social bonds between the actors. But this in turn shifts the problem to the definition of order in an anarchical society, its nature and limits, which is effectively the central topic in the critique of both the English School, and constructivism. For Tim Dunne, "since states are the legitimate containers for cultural difference, the task for international society is to formulate norms and procedures" with the specific task of "separating and cushioning the units in the state system".[106] Of course, English School theorists and constructivists have been preoccupied with a progressive refinement of their respective theories in the direction of identifying and explaining the components of the social bonds which are supposed to enhance and regulate inter-state relations, and hence international order. While for the constructivist Nicholas Onuf this has led to an inquiry into the nature of norms and specifically about the formation of international law and international

[106] Timothy Dunne, *Inventing International Society: A History of the English School*, New York: St. Martin Press, 1998, page 11.

institutions,[107] for the English School scholar Barry Buzan this has signified the investigation of ways in which the concept of international society may become less reliant on methodologically opaque historical narratives and be re-formulated instead on more systematic sociological foundations, characterised by greater conceptual precision.[108]

Complementary to the conceptualisation of international order through international social institutions, the third approach for the management of order is based on the idea that order can be achieved by limiting the sovereignty of states with the creation of supra-national organisations. This approach to order has been especially important for the development of IR as discipline, since it has historically represented the first set of proposals coming from professional IR scholars for the formulation and management of international order, namely in the works of the interwar liberal internationalists.[109] The institutional approach has a long tradition in IR studies and expresses directly an established liberal view on politics at large. The mainstream liberal view on order is characterised, as for the other two approaches which understand order as an issue to be managed, by the acceptance of the basic features of international politics as the product of sovereignty and state politics. But according to Rengger, there is a series of cultural characteristics which has led to the formulation of a specific liberal understanding of order: fear of the arbitrary exercise of power ("liberalism of fear");[110] constitutional liberalism, individualism and what he labels "cognitive liberalism", i.e. the tendency to rely on scientific or philosophical legitimation of political practices, aimed at maximising a set of harmoniously existing liberties for all members of any given group, although not all liberal authors share this last point.[111] What ties together authors as diverse as Isaiah Berlin, William Kymlicka and John Rawls with their respective re-formulation of the liberal tradition is the view on order whose "emphasis is on rights and, sub-

[107] Nicholas Onuf, *World of Our Making: Rules and Rule in Social Theory and International Relations*, Columbia: University of South California Press, 1989; "*Institutions, Intentions and International Relations*", in *Review of International Studies*, 28, 2002, pages 211–228.
[108] Barry Buzan, *From International to World Society? English School Theory and the Social Structure of Globalization*, Cambridge: Cambridge University Press, 2004.
[109] David Long and Peter Wilson (eds.), *Thinkers of the Twenty Years' Crisis. Inter-War Idealism Reassessed*. Oxford: Clarendon Press, 1995.
[110] Rengger, *ibidem*, page 103.
[111] Rengger, *ibidem*, page 104.

sequently, on the conditions for securing such rights, in the first place an emphasis on constitutional forms and practices". These forms and practices have gradually evolved into the contemporary set of domestic liberal-democratic institutions and rules which form the constitutional architecture of states in the Western world and have been gradually extended after WWII to a large part of the world's states. At international level, only a partial replication of such domestic order has been implemented, following the same key principles of political organisation. International institutions have been created with the aim of consolidating, and possibly, enhancing such rights and practices, but still within the framework of a world "largely composed of sovereign states whose behaviour patterns are [...] determined by their domestic political regime." But this has to be complemented with social "obligations and responsibilities", which ensure a minimum of international order, particularly through the instruments of international law, operating "by virtue of the express consent given by states".[112]

This way of conceptualising the management of order in international politics has expressed itself in various ways, which are not always easy to distinguish from the previously explained "institutional" approach, or from instances of the broader "problematisation" of the order question, as it will be described below. The study of international organisations within IR theory covers a very broad spectrum: from Stephen Krasner's essentially realist approach,[113] which contains nevertheless the foundations for a whole theory of "international regimes" constraining the behaviour of sovereign states via legal obligations and organisations, to functionalist positions concerned with the integration of state sovereignty and intergovernmental "governance", the seminal works of David Mitrany[114] and Ernst Haas are exemplary here,[115] until the latest developments, particularly in the direction of

[112] Rengger, *ibidem*, pages 105–106.
[113] Stephen D. Krasner, "*Structural Causes and Regime Consequences: Regimes as Intervening Variables*", in *International Organization* 36/2 (spring), 1982, pages 185–208. Also in Stephen D. Krasner (ed.), *International Regimes*, Ithaca NY: Cornell University Press, 1983.
[114] David Mitrany, "*Functional Approach to World Organization*", in *International Affairs*, Vol. 23, 1948, pages 350–363; *A Working Peace System*, Chicago: Quadrangle Books, 1966; *The Functional Theory of Politics*, New York: St .Martin's Press, 1976.
[115] Ernst B. Haas, *Beyond the Nation-State: Functionalism and International Organization*, Stanford: Stanford University Press, 1964.

Moravcsik's liberal intergovernmentalism,[116] and finally towards the re-evaluation of international organisations as tools for a global governance in the context of a direct critique of the sovereign state, as found largely in David Held,[117] Thomas Pogge[118] and Andrew Linklater.[119] In these last authors, however, the management of international order through the strengthening of international organisation increasingly blends with more radical instances for the critical problematisation of order, one which is supposed to subordinate the question of order to the hierarchically superior question, in a normative perspective, of human emancipation in the international realm. This ambivalence may well be explained with different possible readings of Kant's work, which oscillates between the two poles of the preservation of inter-state peace (and order), and the expansion of civil liberties up to the point of questioning the division of mankind into different political groupings, and of highlighting instead cosmopolitanism as the path forwards for humanity. This second possible interpretation has been particularly prominent in IR theory following the famous labelling of Kant by Martin Wight as the key thinker of "revolutionism",[120] as opposed to the realist (Hobbesian) and rationalist (Grotian) traditions.

1.3 THE PROBLEMATISATION OF ORDER / CRITICAL THEORIES

The classification of existing IR theories in relation to the problem of order, once the category of "order management" has been exhausted, has been pursued by Rengger

[116] Andrew Moravcsik and Frank Schimmelfennig, "*Liberal Intergovernmentalism*", in Antje Wiener and Thomas Diez (eds.) *European Integrations Theory*, New York: Campus, 2009, pages 67–87.
[117] David Held, *Democracy and the Global Order*, Cambridge: Polity Press, 1995; *Global Covenant: The Social Democratic Alternative to the Washington Consensus*, Oxford: Polity, 2004.
[118] Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, second edition, Cambridge: Polity Press, 2008; *Realizing Rawls*, Ithaca: Cornell University Press, 1989.
[119] Andrew Linklater, *Men and Citizens in the Theory of International Relations*, London: MacMillan Press, 1982; *The Transformation of Political Community: Ethical Foundations of the Post-Westphalian Era*, Cambridge: Polity Press, 1998; *Critical Theory and World Politics: Citizenship, Sovereignty and Humanity*, London: Routledge, 2007; *The Problem of Harm in World Politics: Theoretical Investigations*, Cambridge: Cambridge University Press, 2011.
[120] Martin Wight, *International Theory: the Three Traditions*, edited by Gabriele Wight and Brian Porter, Leicester: Leicester University Press for The Royal Institute of International Affairs, 1994.

with the creation of a second family of responses to the issue.[121] This second macro-group of theories should encompass all those theoretical approaches whose main focus is the development of a critique to the dominant narrative of international order as inter-state and inter-sovereign order. These answers to the question of order discuss ways in which inter-state order should be transcended, either in the direction of *emancipation*, where interstate order has to be overhauled in favour of a new conception that would rest on entirely different normative and philosophical foundations, or in the re-interpretation of the question itself. This second line of thought can ultimately lead to the discovery of the *limits* of the quest for order and the de-construction of the related question.

The problematisation of order occurs therefore with different results, but proceeds in its essence from a questioning of the knowledge claims that underpin other positions. This happens in a variety of ways, from the evaluation of the logical coherence of dominant IR theory paradigms within a philosophical-analytical perspective, to the historical investigation of concepts, their genealogy and deconstruction, to the discussion of social ontologies, epistemologies and the related normative implications. Problematisation is therefore characterised by various degrees of self-reflection, i.e. the explicit appreciation of the foundational problems underlying every knowledge claim and their open discussion. Problematisation attempts therefore to position itself as a defence against ideology as false consciousness, and it is in this sense *critical*.[122]

The "emancipation" from a state-centred conceptualisation of international politics has been promoted as a revisionist tendency against the prevailing theoretical orientation and the empirical state of affairs since the onset of the modern condition, of which the state is the more characteristic political projection. The key philosophical authors to provide the theoretical foundations for this line of thought are easily identifiable in the figures of Kant (as briefly mentioned above) and Marx, since both advocated in their writings new ways for an understanding of international politics which was no longer exclusively concerned, as illustrated

[121] See Rengger, *The Problem of Order*, pages 143–188.
[122] Cf. Raymond Geuss, *The Idea of a Critical Theory: Habermas and the Frankfurt School*, Cambridge: Cambridge University Press, 1981, page 12 ss.

above, with its management but its transformation. At the very core of these proposals for transformation lies a normative dimension, i.e. the idea of emancipation as liberation from the "self-incurred tutelage" (*selbstverschuldete Unmündigkeit*, as in Kant's famous definition of *What is the Enlightenment?*) of those whose freedom is constrained not only by the chains of oppression, domination and economic exploitation (for Marx), but also of intellectual self-imposed limitedness (hence the Kantian *sapere aude!*). The political reflection at the international level develops therefore from the consideration that the rise of a truly free body of citizens is not possible in an oppressive institutional context, both domestically and internationally. It is, in this sense, not an "authentic" order whose structural patterns are not sustained by true justice. The problematisation of this false order requires, in the current context, the re-discussion of the state-centred system and the reformulation of international political order on different propositions, which transcend the state and its limits.[123]

IR authors who have engaged with this theoretical perspective have arrived at this critical approach from different angles; although most of them share roots in a common Kantian-Marxian ground the selection of arguments from these two *Urväter* and their arrangement can greatly vary. It is possible to recognise at least three main currents: one is directly related to the Frankfurt School, and particularly its main contemporary heir, namely Jürgen Habermas. The second can be related to Gramsci and his conception of hegemony. Its most important exponents are Robert Cox, Stephen Gill and Craigh Murphy. The third current can be seen as deriving more directly from Marxian themes and finds its main representatives in Fred Halliday and Justin Rosenberg. Emancipation as the way of understanding the problem of order invariably entails a double argument: a demonstration of the arbitrariness, or even injustice of the present arrangement, and the proposal for a new one, whose foundations can differ from one author to the next; they ultimately all share, however, the conviction that order can exist, but it must be a different one.

[123] On this point, particularly noteworthy is the work of Andrew Linklater, as it will be addressed more systematically below, especially in *The Transformation of Political Community: Ethical Foundations of the Post-westphalian Era*, Cambridge: Polity Press, 1998; *Critical Theory and World Politics: Citizenship, Sovereignty and Humanity*, London: Routledge, 2007.

The heirs of the Frankfurt School within contemporary IR theory can be identified largely with a group of theorists who have tried to translate in the IR domain the sociological and political work of Jürgen Habermas, Habermas actually starting to contribute directly to the international debate from the early 1990s onwards. Besides the already mentioned David Held and Andrew Linklater, emancipatory IR theory on Habermasian foundations also characterises the works of Christian Reus-Smit,[124] Thomas Risse,[125] Richard Shapcott,[126] and Marc Lynch.[127] As will be illustrated in more detail in the Chapter 3, the relation between Habermas and IR is complex and not free from contradictions. For the limited purpose of assessing the role of this strand of theory in the context of the problematisation of order, it is important to frame the integration of Habermas within IR critical theory within the context of a multidimensional attempt to ground philosophical, sociological and political discourses. This multidimensionality consists indeed in Habermas's outstanding intellectual effort in envisaging a critical theory which can respond to a multiplicity of challenges: firstly, identifying and conceptualising stable foundations for a renewed normative thinking, which he finds in a philosophical science of language and intersubjective communication; this represents an attempt to overhaul the tradition of German idealism on the one hand, and the limits of Western Marxism on the other, while integrating elements of Rortian pragmatism; secondly, reinstating a philosophical discourse of emancipation, both at theoretical level in terms of its definition, and in designing a new *praxis* to achieve it; thirdly, in connection to the first point, creating a historical narrative of the modern era which may recover a prudent optimism about the future of philosophical reason against existentialist despair, namely by recovering the project of Enlightenment; fourthly, translating all this intellectual effort into a political commitment, which passes through a re-definition of forms of democratic legitimation, with the cen-

[124] Christian Reus-Smit, *The Moral Purpose of the State*, Princeton MA: Princeton University Press, 1999; "*Imagining Society: Constructivism and the English School*", in *British Journal of Politics and International Relations*, 4, 2002, pages 487–509; (ed.) *The Politics of International Law*, Cambridge: Cambridge University Press, 2004.
[125] Thomas Risse, "*Let's Argue! Communicative Action in World Politics*", in *International Organization*, 54, 1, Winter 2000, pages 1–39.
[126] Richard Shapcott, *Justice, Community and Dialogue in International Relations*, Cambridge: Cambridge University Press, 2001.
[127] Marc Lynch, *The Dialogue of Civilisations and International Public Spheres*, in *Millennium: Journal of International Studies*, Vol. 29, No. 2, 2000, pages 307–330.

trality of the public sphere, and the parallel critique of capitalism, particularly in its neo-liberal fashion, whenever the development of market economies may become an obstacle to political representation and the free participation of citizens in open, public debates.

The translation into IR theory of Habermas's philosophical, sociological and political critical theory entails a conception of order which not only responds to the issue of prioritizing emancipation over order, and therefore of envisaging new forms of order which have to give way to emancipatory processes;it also intends to respond to the requisites of a self-reflective theoretical work, grounded in a critically established concept of rationality. Order should therefore descend from this renewed concept of rationality, arising from intersubjective dialogue, in the context of a set of conditions (material and immaterial) which should prevent, as far as possible, the distortion of such communication. Order therefore exists, in Habermasian terms, at least as a set of formal requirements and preconditions, which do not determine how such an order is supposed to be articulated in all details, but which do guide its realisation in accordance with and adapting itself to different circumstances. In this way, Habermas, together with the theorists who have taken inspiration from his work, claims to have achieved a balance between the openness of a self-reflective, critical theory and the determination of concrete emancipatory goals.

The second set of theoretical perspectives characterised by the problematisation of order, in the context therefore of a critical approach, is the one elaborated by several IR scholars building on the intellectual heritage of Antonio Gramsci.[128] Gramsci famously elaborated an analysis of the Italian Fascist regime and its ability to thrive not only on the basis of coercion, but especially through widespread consensus, and he described this situation as one of *hegemony* within a given society. Robert Cox has applied this idea to a description of world politics through Marxist lenses, i.e. where the substance of international politics lies in the rela-

[128] On Gramsci in IR literature, see Stephen Gill (ed.), *Gramsci, Historical Materialism and International Relations*, Cambridge: Cambridge University Press, 1993; Randall Germain and Michael Kenny, "*Engaging Gramsci: International Relations Theory and the Neo-Gramscians*", in *Review of International Studies*, 24 (2), 1998, pages 3–21; Alison J. Ayers (ed.), *Gramsci, Political Economy and International Relations Theory: Modern Princes and Naked Emperors*, Basingstoke: Palgrave Macmillan, 2008.

tions of production and economic exploitation, rather than in an ontology of state power. Gramsci "used the concept of hegemony to express a unity between material forces and ethico-political ideas", which translates into the Marxian unity of structure and superstructure, and where the dominant capitalistic elite "based on dominance over production is rationalized through an ideology incorporating compromise or consensus between dominant and subordinate groups".[129] Order or, better, different possibilities of order, emerges from the construction of such hegemonic blocks. The point for a critical theory, a label and a concept which has been introduced in IR theory by the same Robert Cox in a famous 1981 article,[130] consists precisely in debunking such ideological constructs and in promoting the creation of counter-hegemonic blocks, namely alliances of the subordinate groups, to achieve a different distribution of material resources. Stephen Gill has further developed this analysis of the world by concentrating on the current condition of a globalised economy and the hegemonic ideological construction represented by neo-liberal economic and political doctrines, as well as by international institutional arrangements.[131] A similar set of concepts are to be found in the work of Craig Murphy,[132] who has specialised in the relations between the US and the peripheral areas of the capitalistic world.

A third strand of theories, rather closed to the previous approach in its still marked Marxian roots and its sharp critique of the current neo-liberal international order, is the one encompassed by the umbrella term of "historical sociology". This research programme is characterised by the historical investigation of the rise of the modern condition through the study of capitalism, the state and war. Theda Skocpol defined historical sociology as "a continuing, ever-renewed tradition of research devoted to understanding the character and effects of large-scale structures and fundamental processes of change".[133] In this definition, "structures"

[129] Robert Cox, "*Labour and Hegemony*" in *International Organization*, 31, 1977, page 387.
[130] Robert Cox, "*Social Forces, States and World Orders: Beyond International Relations Theory*", in *Millennium: Journal of International Studies*, Volume 10, No.2, 1981, pages 126–155.
[131] Stephen Gill, *Power and Resistance in the New World Order*, London: Palgrave Macmillan, 2003.
[132] Craig Murphy, "*Understanding IR: Understanding Gramsci*", in *Review of International Studies*, 24, 1998, pages 417–425.
[133] Theda Skocpol, *Vision and Method in Historical Sociology*, Cambridge: Cambridge University Press, 1984, page 4.

refers directly to the Marxian vocabulary and indicates the relations of capitalistic production: historical sociology is largely preoccupied with the description and understanding, from a long-term historical perspective, of the macro-transformation, at continental and global level, which capitalism has produced in the world since its rise from the beginning of the modern era. Already in the 1980s, Fred Halliday argued that historical sociology provides a "second agenda" to IR studies,[134] which needs to be developed in the direction of the study of the modern state in its complexity as social structure, i.e. "both as an actor in competition with other domestic social formations, and in terms of its relations with other states and with other actors in different territories".[135] Justin Rosenberg, while commenting on Antony Gidden's work, explained the historical sociological preoccupation with the state as the study of the "emergence of the nation-state system", which is "understood from the outset as part of the same process of internal consolidation. The (outward) political sovereignty [...] is the expression of an (internal) administrative and coercive unity established at the expense of other, transnational and local, forms of political power".[136] Michael Mann, Charles Tilly and Immanuel Wallerstein have all worked within the domain of historical sociology, from different perspectives, in the effort to describe the evolution of a global capitalistic system and to explain the political consequences generated by this both internationally and locally. Despite the multiplicity of approaches within historical sociology, the problematisation of order which occurs at its core descends again from the critique of the current arrangement as the product of capitalistic forces of exploitation and oppression, while a different order may be achieved through a new distribution of resources to be attained with the possible overcoming of global capitalism in its current form.

A last strand of IR theories can be interpreted as those approaching the issue of order in the form of a problematisation of the question itself, which goes as far as casting doubt upon the possibility of such an investigation. Although also com-

[134] Fred Halliday, "*States and Society in International Relations*", in *Millennium: Journal of International Studies*, Vol. 16, No.2, 1987, pages 215–229.
[135] Stephen Hobden, *International Relations and Historical Sociology. Breaking Down Boundaries*, London and New York: Routledge, 1998, page 4.
[136] Justin Rosenberg, "*A Non Realist Theory of Sovereignty? Giddens'* The Nation State and Violence", in *Millennium: Journal of International Studies*, Vol. 19, No. 2, pages 249–259, page 253.

ing from a critical perspective, in these authors the sense of emancipation from the state system is no longer present, because even in the assumption that emancipation, as illustrated above and as theorised by most critical theorists, was "a plausible interpretation of the current development of world politics", this would still not "alter the need for political criticism and would not really change the assumptions on which it is based". There is therefore a possibility of refusing the problem of order as a problem. As commented by Rengger, "[t]his particular 'disposition of thought' suggests that that we end the search for 'order' because in searching to secure it we are looking for a chimera".[137]

Thinkers who are engaged with this perspective predominantly go under the label of post-structuralists, with an astonishing variety of arguments and techniques that reflect the philosophical foundations of their research programme. Authors such as James Der Derian, David Campbell, Richard Ashley, William Connolly and Rob Walker can hardly be comprehended under a single heading, except in their production of post-Nietzschean philosophy and their shared belief that modernity has failed as an emancipatory project.

1.4 THE CONTEMPORARY DEBATE

Even in most recent discussions on order within IR, a precise analytical definition of the concept seems to be elusive, although some work has been concentrating either in the direction of discussing "world order" as the current arrangement of global affairs, or in the direction of an historical enquiry into different ways in which systems of order were built in the past. World order discussions in contemporary IR studies seems to be mostly connected with the problem of reading the present global political situation, and providing analytical tools for its understanding, both from an intellectual and a policy-making perspective.

John Ikenberry has recently assessed the stability of the "liberal international order", reflecting on a possible crisis of the American hegemonic system, which

[137] Rengger, *The Problem of Order*, page 180.

he eventually frames not as a "crisis of failure", but as a "crisis of success", arguing namely that the American-led international order which was largely shaped after 1945 has enjoyed tremendous success. It is an order "organised around open markets, multilateral institutions, cooperative security, alliance partnership, democratic solidarity".[138] This "global system has boomed under conditions of hegemonic rule exercised by the United States. It is expanding and integrating on a global scale and creating economic and security interdependencies well beyond the imagination of his original architects".[139] Precisely the new challenges (financial crisis, rise of China, resurgence of Russia, ...) opened by this great expansion the liberal global order under US hegemony constitute the core of this perceived crisis. The crisis of the liberal order, Ikenberry concludes, "is not an E.H. Carr crisis. Rather it is a Karl Polanyi crisis [...] where liberal governance is troubled because dilemmas and long terms shifts in the order can only be solved by rethinking, rebuilding and extending that liberal order".[140]

The image of a world order based on a set of dominant ideas is also present in recent work published by Harold James, assessing the impact of the financial crisis on international order. His key questions concentrate around the understanding of power shifts and changes in the structure of world economy, with consequent alteration of power distribution. Interestingly from the perspective of order, James also wonders "What is the best way of ordering an economy, a society, or a polity?"[141] A possible answer to this question is sought in a historical reconstruction of past systems of international order, according to which "past versions of order [were] generated by particular countries which propagated a grand vision".[142] The examples here are the "nineteenth-century British view of John Bright or Richard Cobden about the universal benefit of commerce", and of course, during the second half of the twentieth century, "the universalization of an American vision of commer-

[138] John Ikenberry, "*The Liberal International Order and Its Discontents*", in *Millennium: Journal of International Studies*, Vol. 38, No. 3, 2010, pages 509–521, page 512.
[139] Ikenberry, *ibidem*, page 520.
[140] Ikenberry, *ibidem*, page 521.
[141] Harold James, "*International Order After the Financial Crisis*", in *International Affairs*, 87 (3), 2011, pages 525–537, page 525.
[142] James, *ibidem*, page 525.

cial prosperity".[143] James does not dig very deep in analysing the question of the intellectual origins of such powerful ideas constituting the foundations of world orders. He highlights how the rise and fall of different international orders can be explained by a cyclical model of recurrent "backlashes and reversals of the process of global integration".[144] For James, the "interchanges involved in globalisation do not automatically establish a self-sustaining set of values", but rather on the contrary, any set of values is constantly subverted by change and uncertainty, new encounters, possibilities and technologies.[145] Therefore, it appears that order among human societies at a deeper level, namely the constitutive ordering of collective, organised human life, must "derive from some other source". James wonders "what are the sources of basic values regarding human dignity, human motivation and conduct?"[146]

The answer he suggests refers to their religious origin, as he briefly summarises the well-known Weberian argument on the birth of capitalism from Calvinistic worldviews. However, when the original motivation disappeared, a feeling of emptiness started to emerge, and "that process of sucking out meaning from the economic processes was what in Weber's view produced a backlash".[147] Consequently, societies have started to look for alternatives, and those solutions "tend to be nationally specific",[148] implying a progressive disintegration of the global Western-centric order. James takes the examples of the recently emphasised importance of a neo-Confucian discourse in Chinese leadership, which seems to advocate the recovery of virtues (thrift, self-discipline, middle-ground and anti-extravagance) which the West seems to have lost or abandoned.[149] James's last reflection is therefore that "we cannot simply understand economic life by observing its operation" as "we need to think about an inner logic, and about how that logic corresponds with the nature and the development of human character".[150]

[143] James, *ibidem*, page 525.
[144] James, *ibidem,* page 536.
[145] James, *ibidem,* page 536.
[146] James, *ibidem,* page 536.
[147] James, *ibidem,* page 536.
[148] James, *ibidem,* page 536
[149] James, *ibidem,* page 537.
[150] James, *ibidem,* page 537.

Other authors' work largely revolve around the theoretical re-elaboration of realist themes. Particularly the already mentioned idea of order through hegemony as articulated by Ikenberry is the focus of Ian Clark's study of United States and international order.[151] Clark briefly articulates his definition of hegemony as "an institutionalised practice of special rights and responsibilities conferred on a state with the resources to lead".[152] His reflections develop on the historical experiences of different ways in which hegemony has manifested itself, and criticising the limited understanding of hegemony, which appears to be prevalent in the literature, too much focused on the idea of primacy, as opposed to collective hegemony and other possible formulations. The cipher of his argument in relation to order seems to be that hegemony, in one form or another, is "one constructive element of [...] international order",[153] as order seems to be generated by "concentration of power" as its "inescapable component".[154]

Also David Lake has contributed on the connection between order, hegemony and hierarchy, within the context of an English School approach to international studies, especially following Barry Buzan's idea of regional security complex (RSC),[155] whereby international actors in a certain region become so interrelated by security structures that any event significantly affecting the security of one actor has a great impact on the others. Lake's enquiry on the idea of order at regional level recovers again in fact the idea of hegemony within the context of the RSC theory.[156] His argument tries to move beyond the idea that, in an anarchical environment, there is no higher authority than that of the state. This, in Lake's opinion, derives from a "formal-legal conception of authority", which is however not the only possible one. He proposes instead to see how "states often form hierarchies over one other based on relational authority, which itself rests on social contract

[151] Ian Clark, "*Bringing Hegemony Back in: the United States and International Order*", in *International Affairs*, 85 (1), 2009, pages 23–36.
[152] Clark, *ibidem,* page 24.
[153] Clark, *ibidem,* page 35.
[154] Clark, *ibidem,* page 36.
[155] Barry Buzan, People, *States and Fear: an Agenda for International Security Studies in the Post-Cold War Era*, Lynne Reinner Boulder (CO) 1991, page 190.
[156] David Lake, "*Regional Hierarchy: Authority and Local International Order*", in *Review of International Studies*, 35, 2009, pages 35–58.

theories".[157] Those theories rest on a different conception of authority, conceptualising it as an "emergent property or equilibrium of an exchange between a dominant state and the set of citizens who comprise the subordinate state".[158] The idea of order through hierarchy and hegemony arises here as a consequence of this exchange, which "entails the provision by the dominant state of a social order of value to the subordinate state in return for the subordinate's compliance and legitimacy".[159] In his analysis, Lake articulates the view that hierarchies cluster within regions, thus creating regional orders. The essence of order lies in this case in the web of hierarchical relations between the states, "with many states possessing relatively similar levels of subordination to the same dominant state".[160] Orders at regional levels are defined as the consequence of "strong positive externalities of social order and economies of scale in its production, and the mutually reinforcing legitimacy accorded [to] the dominant state by local subordinates".[161]

David Lake describes regional order in terms of how "states within an RSC manage their security relations and range from balances of power, to regional power concerts, collective security organisations, pluralistic security communities, and integrations".[162] Finally, "social order is a local public good that often extends beyond the boundaries of any single subordinate state".[163] While order is provided domestically by the state, international order is seen by Lake as an extension of this same domestic order beyond boundaries, which spreads to states in a subordinate position within the RSC, and onto "other neighbouring states or those in positions similar to that subordinate".[164]

A more sophisticated contribution on the topic of order has been put forward by Georg Sørensen, in the first part of an article discussing the post-Cold World global political situation.[165] Sørensen articulates his view that the current arrange-

[157] Lake, *ibidem,* page 36.
[158] Lake, *ibidem,* page 36.
[159] Lake, *ibidem,* page 36.
[160] Lake, *ibidem,* page, 40.
[161] Lake, *ibidem,* page 36.
[162] Lake, *ibidem,* page 36.
[163] Lake, *ibidem,* page 41.
[164] Lake, *ibidem,* page 41.
[165] Georg Sørensen, "*What Kind of World Order? The International System in the New Millennium*", in Cooperation and Conflict: Journal of the Nordic International Studies Association, pages 343–363.

ment of international affairs has to be considered as an interregnum, where many elements of the previous, pre-1989 order remain in place, but where a new and stable order has not been achieved yet. In doing so, he tries to analyse the characteristics of the concept of order itself when applied to world politics. While world order is "a governing arrangement among states", however, echoing the above discussed position advanced by Hedley Bull, "not every governing arrangement among states can qualify as a world order", but only those arrangements that "meet the current demand of order in major areas"[166] can be rightfully qualified as order. For Sørensen it is however clear that order contains a normative dimension, and that "world order" remains a "fuzzy concept", since "theories do not concur on the substantive content of world order defined as governing arrangements between states".[167] His view is that any definition of order for international politics must address these four dimensions:

> (a) the realist concern of the politico-military balance of power; (b) the liberal concern of the make-up of international institutions and the emergence of global governance; (c) the constructivist concern of the realm of ideas and ideology, with a focus on the existence or otherwise of common values on a global scale; and (d) the IPE concern of the economic realm of production, finance and distribution.[168]

Sørensen seems therefore to suggest that a certain normative drive, whose identification remains however unclear, has to be successfully declined in the four mentioned domains, if it has to qualify as a viable idea of international order. For the present time he identifies, without providing a theoretical backing of this view, the "good life for mankind as a whole",[169] in opposition to good life for the population of the nation state only, as the normative aim of political action at international and global level.

The most comprehensive discussion about order in recent IR publication is however the work of Andrew Phillips. In his *War, Religion and Empire*, he explores

[166] Sørensen, *ibidem,* page 344.
[167] Sørensen, *ibidem,* page 344.
[168] Sørensen, *ibidem,* page 344.
[169] Sørensen, *ibidem,* page 347.

the question "what are international orders?" through an historical enquiry concentrating predominantly on the Roman and Western world, and the so called "Sinosphere". Phillips defines international orders as "the constellation of constitutional norms and fundamental institutions through which co-operation is cultivated and conflict contained between different political communities".[170] He advances his formulation of order essentially along the lines of a constructivist argument, albeit stressing the importance of an "order-enabling material context", which clearly has its roots in the growing importance of IPE and certain strands of critical IR theory. It is therefore the "combination of ideational and material forces" which promotes the transformation of international order.[171]

Secondly, Phillips recovers the idea of a central normative drive embedded in any conception of order, as already discussed in previous authors, but it does so within the framework of a dualistic understanding of the normative possibilities. On the one hand, he identifies an "Aristotelian" pole, whereby international orders "seek to advance a normatively thick and culturally and historically contingent vision of the good".[172] On the other hand, the alternative pole entails an "Augustinian" nature, one "dedicated to the basic objective of containing violent conflict between different polities with manageable bounds".[173] These two possible dimensions in the formulation of international order are supposed to be co-existent, with different dosages, in every historical experiment of order.

For Phillips, international orders "are sustained through a combination of authoritative institutions", using shared standard of legitimacy to co-opt agents within certain regimes, and "coercive institutions", where agents are compelled by means of "authorised practices of organised violence".[174] He is explicitly attempting to bring the discourse of violence in a discussion of order, thus integrating the standard constructivist narrative of international politics. Order emerges therefore from a combination of "the power moral suasion and the force of material sanc-

[170] Andrew Phillips, *War, Religion and Empire: The Transformation of International Orders*, Cambridge: Cambridge University Press, 2011.page 5.
[171] Phillips, *ibidem*, page 5.
[172] Phillips, *ibidem*, page 5.
[173] Phillips, *ibidem*, page 5.
[174] Phillips, *ibidem*, page 6.

tions", it "crystallise[s] at the intersection of ethical and coercive modes of action".[175] The achievement of a certain order is namely attained, starting from a situation of dis-order, through the "imposition of ethical and institutional restraints on agents' freedom of action".[176] But of course not any kind of imposition, of ethical norm and institutional mechanism can work as a viable idea of order. Indeed, international orders should be understood "as systemic structures that cohere within culturally and historically specific social imageries".[177]

The resulting *normative complex* and the institutional setting "rest in turn on a permissive *order-enabling* material foundation".[178] Interestingly, the ideational side of international order is premised on the actors sharing a common collective identity, "a web of shared meanings", making the exercise of authoritative power viable between different political communities. Phillips's constructivist concept of normative complex appears to be at the very heart of his conceptualisation of order, it provides the normative drive, the vectorial dimension of a particular arrangement or political vision, enhancing its status to a proper order. Those normative complexes, of which several examples are described and evaluated in his book, "provide actors with 'maps of meaning' necessary to navigate social life" and in their form of social imageries they "encompass our most basic and mostly unarticulated assumptions about social reality, extending even to those that condition our experience of categories as allegedly basic as time, space, language and embodiment".[179] Ultimately therefore, those normative complexes are nothing else but the answers given by different cultures to "such basic questions as 'who am I?' and 'what do I want?', offering agents what Taylor has referred to as the 'inescapable frameworks' operative in all societies that link concepts of the self with concepts of the good".[180] Order rests therefore on identity-constitutive norms which "provide societies with a sense of the ultimate *sources* of morality", and they serve the purpose of helping

[175] Phillips, *ibidem*, page 15.
[176] Phillips, *ibidem*, page 20.
[177] Phillips, *ibidem*, page 21.
[178] Phillips, *ibidem*, page 22.
[179] Phillips, *ibidem*, page 24.
[180] Phillips, *ibidem*, page 25.

agents in orienting themselves in the world, particularly "in relation to the higher purposes of collective action".[181]

In sum, the contemporary debate about the concept of order in international studies prompts two main reflections: on the one hand, in various formulations, the idea that order is essentially something to be managed rather than understood in its constitutive elements remains prevalent in many strands of the discipline. And even where a more nuanced problematisation of order manages to emerge, highlighting the constitutive link between order and normative complexes or diffuse social values, the discussion is often very limited and, crucially, does not systematically consider and address the pre-existing literature on topic, being thus forced the "re-discover" at each step research results which had already been previously articulated.

1.5 CRITICAL THEORY AND THE PROBLEM OF ORDER: MODERNITY AND SECULARISATION

From this broad-stroke picture of the way in which the problem of order has been dealt with by IR theorists, a series of elements can be highlighted.

Firstly, as already shown above, the concept of order, despite its widespread recurrence in International Relations studies, and more specifically in the domain of IR theory, has been seldom subjected to a thorough analytical scrutiny. This is even more paradoxical when considering that order is so central to many theoretical approaches, that it is possible, as Rengger's work demonstrates, to re-classify most of IR theoretical literature around this concept. A second element to be highlighted is that this under-conceptualisation of order occurs in a somehow stark contrast to the intense attention dedicated to the same topic in the area of philosophical studies, and in the tradition of metaphysics/theology in particular, as it has been shown in the first part of this chapter. To promote a more accomplished reflection on order in IR theory, the establishment of a stronger connection between the two

[181] Phillips, *ibidem*, page 25.

literatures appears consequently essential. Thirdly, a more analytical appreciation of the concept of order, which goes in the direction of establishing a functional link with on-going debates in philosophical and sociological literatures, appears to have its privileged starting point in reconsidering those theories of IR which already offer a modicum of critical problematisation of the concepts they are using, and primarily those which systematically deal with the issue of their philosophical foundations and underpinnings.[182]

The conceptualisation of order in the form of its deconstruction and reconstruction along the lines of a renewed idea of emancipation appears to be predicated upon ontological/epistemological foundations the problematisation of which represents the added value of a critical theory, in its awareness of the dangers of reification and ideology. This has been reflected primarily in the deconstruction of dogmatic, a-critical ideas of order as inter-state order (primarily against realism and neo-realism), in the search for alternatives. Crucially, this very work of deconstruction and *Ideologiekritik* has grounded itself in a general discussion about the political concept of state (and consequently of the state-based international order), as the distinctive political mark of modernity. The state, the theory of the state and the inter-state world order appear consequently as the projection of the philosophical underpinnings which sustained the very idea of modernity.[183]

However, the philosophical underpinning of the very idea of order has constantly been established, in the pre-modern Western culture, in the foundational concept of God (i.e. in theology-based theories of order) or, with the onset of modernity, in other, secular ideas, which conveniently replaced God as the guarantor of order during the rise of modernity, namely ideas of nature, of history and progress, but performing the same substantial role. As thoroughly described by Habermas in his work, it is precisely in this process of secularisation and rationalization that the core of the modern enterprise can be found. The image of international order as inter-state order is therefore connected with the overcoming of

[182] On IR critical theories, see Steven Roach (ed.), *Critical Theory and International Relations: A Reader*, London: Routledge, 2007.
[183] On the theories of the state in IR, see John M. Hobson, *The State and International Relations*, Cambridge: Cambridge University Press, 2000.

purely theological concepts for the legitimation of political orders, at the domestic as well as the international level, with Thomas Hobbes as the father of modern political theory. However, the emergence of a progressive but paralyzing crisis of modernity itself, starting at the end of the nineteenth century, has generated a situation where all modern systematisations of order have become subjected to radical critique. As pointed out by Rengger, therefore, "[i]n terms of the 'problem of order', the question is simple. Can order be meaningful at all, in the absence of something — God's plan, History, Nature — which guarantees it?"[184]

The problem of the analytical conceptualisation of order shifts therefore towards an understanding of its foundations, as correctly captured by Rengger, and particularly for a self-reflective, critical theory, the problem has to be framed within the context of the discussion about modernity. The question raised by Rengger is of primary importance and it constitutes the starting point of a discussion about the relations between modernity, secularisation, theology, the state and state-based ideas of international order, which will be developed in the following chapters. The effort for a clarification of the concept of order should develop primarily in the direction of investigating the rise of modernity as secularisation (however defined) of religious ideas and its impact on the theorisation of political concepts. Among all IR theories described and analysed in the present chapter from the perspective of order, it appears that a full appreciation of this constellation of philosophical problems lying behind order has been produced systematically only by critical theory, and particularly in the work of Habermas. Because of the prominence that Habermasian IR theory has assumed in the context of theoretical studies, this research concentrates on Habermas's conceptualisation of order and its relevance for international political theory, also specifically for the systematically self-reflective approach that this thinker has applied throughout his work. Moreover, as described above, Habermasian IR theory does not abandon the concept of order, advocating its overhaul or dismissal; it aims instead at its re-formulation, which we are given to understand is to be achieved through the establishment at its foundation of a re-formulation of the idea of rationality.[185]

[184] Rengger, *ibidem*, page 9.
[185] Dirk Brockmeyer, *Jürgen Habermas und die kommunikative Rationalität*, München: Grin Verlag, 2007.

However, the relations between the theory of the state, secularisation and international order do not constitute an unexplored landscape in general. On the contrary, they form arguably the most important part of one of the most prominent twentieth century political thinkers, Carl Schmitt, whose work has been attracting increasing attention from IR theorists, particularly in the critical camp. The understanding of Schmitt's work, this research argues, is crucial for the correct reading of the above described constellation of elements, and for critically re-thinking the problem of order. As will be illustrated in the next chapter, Schmitt managed to capture the essence of the parable of the state within modernity, when the latter is understood as the re-elaboration of religious-theological concepts, and its implications for international order. Schmitt employed genealogical deconstruction in a sort of *ante litteram* critical approach to the concept of the state, tracing its origin to the politico-theological debates of early modernity, while he formulated his famous claim according to which "all concepts of the theory of the state are theological concepts".[186] Schmitt's theoretical work develops precisely from a full awareness of the importance of theology for a critical comprehension of the problem of state, state-order and consequently international order in modernity. Schmitt is therefore an unavoidable, key reference in any attempt to systematise a problem of order which starts from the framework established by Rengger's quoted question, precisely because Schmitt has systematically highlighted the importance of the religious, theological sphere for the understanding of politics.[187]

[186] Carl Schmitt, *Political Theology. Four Chapters on the Concept of Sovereignty*, translation by George Schwab, Cambridge MA: MIT Press, 1985, page 36.
[187] On this point, see Oliver O'Donovan, *The Desire of the Nations: Rediscovering the Roots of Political Theology*, Cambridge: Cambridge University Press, 1996.

2

CARL SCHMITT AND IR

INTRODUCTION

The exploration of the normative complexes underpinning possible conceptions of order starts from considering the radical possibility of recovering metaphysical and theological narratives of political legitimation and order, with the example of Carl Schmitt and his political-theoretical work.

The present chapter focuses therefore on the work of Carl Schmitt and his contribution to the discussion of order in international politics. It proceeds first with a contextualisation of this author, with the aim of providing some elements for the evaluation of different readings of Schmitt's work. This contextualisation aims at situating Schmitt in the circumstances in which he was writing, both in terms of his contribution to twentieth century intellectual debates, and in terms of the political struggles characterising his most productive period between 1920 and 1950. Secondly, an exposition of the most important themes of Schmitt's thought is produced with the aim of overcoming the fragmentation of his work in relation to the issue of order. Thirdly, a literature review is provided to illustrate the continuous and growing interest in Schmitt both in the field political theory and of IR theory more specifically. A critique of the most common and current approaches to Schmitt is developed by building upon the insufficient contextualisation of this author, the difficulties inherent to the extrapolation of Schmitt's ideas from their original context, which seems to characterise most of the relevant literature and poses specific problems for IR critical theory. In the last part, the relevance of political theology in its relation to the problem of order in modernity is highlighted as the key factor for a theory of order.

2.1 CONTEXTUALISATION OF SCHMITT

Carls Schmitt always defined himself simply as a jurist and nothing else.[1] Although most of today's readings of Schmitt concentrate on this author by portraying him as a political thinker, a more accurate investigation of the circumstances in which his *oeuvre* came into being can show how, despite being conscious of the political implications of his legal-theoretical work, and despite his theoretical stance highlighting the inevitable correlation between law and politics, Schmitt always moved himself in the context of the legal-theoretical discussions characterising the German academic environment. As will be illustrated below, the bulk of Schmitt's theoretical work is shaped by, and can be understood as, a critique of the dominant tradition of legal positivism.

Besides his chief interest in question of legal theory, Schmitt also published numerous contributions addressing more specific constitutional and international questions, but this occurred always from the perspective of the legal analysis of the politics of Weimar and of the post-Versailles European international order, as will be illustrated below. Schmitt's work is therefore completely permeated by the two circumstances, of the re-conceptualisation of law, the state and constitutional order on the one hand, and on the other the difficult international situation of twentieth century Europe. Both themes can eventually be traced to the common thread of the destiny of the German state between the second *Reich* and the *Bundesrepublik*.

Schmitt's identity as a jurist is important to keep in mind while reading his work from the perspective of order, as he conceived order, particularly in the international, as reflected primarily in the law. There cannot be therefore any sound understanding of Schmitt's idea of order, as it will be illustrated below, without a grasp of his theoretical positions in relations to law, the state and the interstate, which will be discussed in the following pages.

[1] Cf. Fulco Lanchester, "*Carl Schmitt, un giurista davanti a se stesso. Intervista a Carl Schmitt*", *Quaderni Costituzionali*, 1/1983, pages 5- 34; also quoted in Louiza Odysseos and Fabio Petito, "*Introducing the International Theory of Carl Schmitt: International Law, International Relations and the Present Global Predicament(s)*", in *Leiden Journal of International Law*, 19/2006, pages 1–7.

The landscape of German legal studies in the first decades of the twentieth century in which Schmitt operated was characterised by intellectual positions directly inherited from the previous century, which mirrored the complex political and constitutional development of the German states and of the *Reich* after 1871. Historians have highlighted how Germany trod a difficult and unique path towards the construction of its own modern *Rechtsstaat*, a *Sonderweg* characterised by the prevalence, for a long period (1848–1919), of monarchical and reactionary forces against the background of the substantial political apathy displayed by the German liberal bourgeoisie. This *Sonderweg* can be seen as the reflection of an intellectual differentiation from the English, French and American revolutionary experiences, with their respective conceptualisations of the people or nation (*le peuple*, *la nation*) grounded in natural law theories, in contractualism and explicitly taking into account the economic dynamics of the society. The German nation (*das deutsche Volk*) as theorised by Fichte, Herder, and the German Romantics is something very different from the association of free humans arising from the collective will enshrined in a social contract. This difference was reflected in the domain of legal studies by the elaboration of models of legal and constitutional orders which could be alternative and specifically "German", with particular contrast to the French formulation of the state and law.[2]

Most the nineteenth century discussions within legal studies in Germany revolved around the elaboration of a theory of the state which would translate into legal and constitutional terms the organicist idea of the German nation. This is visible in the different spheres of Hegel's philosophy of right, in the *Historische Rechtsschule* of Friedrich Carl von Savigny and in the general theory of the state (*Allgemeine Staatslehre*). Hegel has famously broken with the contractarian and natural law tradition, as he explained how the constitution should not be seen as the sum of wills, nor as anything made by the people (*ein Gemachtes*), "but it is rather to be conceived as the purely self-begotten and self-centred being, to be regarded as the divine and perpetual, something above and beyond what is made"(*denn sie ist vielmehr das schlechthin an und für sich Seiende, das darum als das Göttliche und*

[2] On the idea of German *Volk*, see Brain Vick, "*The Origins of the German Volk: Cultural Purity and National Identity in Nineteenth-Century Germany*", in *German Studies Review*, 26 (2), 2003, pages , pages 241–256.

Beharrende, und als über die Sphäre dessen, was gemacht wird, zu betrachten ist.).[3] The Hegelian state and its constitution is rational not as the result of the rationality of its citizens and their representatives, but as the embodiment of the rationality of the spirit.

Friedrich C. von Savigny and later his disciple Georg F. Puchta, in opposition to the codification of the law which was a prominent movement in France and yielded the *Code Napoléon* of 1806, elaborated the foundations of the *Historische Rechtsschule*, an orientation in theorising the legal order as arising not from natural law or a social contract, but from the historical evolution of the legal customs of a nation.

The law is in the view of Savigny the product of the *Volksgeist*, and it cannot be replaced by an artificial, unhistorical, creation of the rational mind: it should not be reduced to the positive dispositions of a code. This division of the legal sciences (*Rechtswissenschaft*) between "historical" and "unhistorical" is explicitly stated as the dichotomy between the historical school of thought which "assumes that the matter of law is produced by the whole past of a nation, but not by arbitrariness" and emerges "from the nation's innermost essence", and the unhistorical school, which "on the contrary assumes that the law is produced by virtue of arbitrariness by the people endowed with authority, in total independence from the law of the previous time, and only in accordance to the best persuasion, how brought about by the present moment".[4] In *Die Lage der europäischen Rechtswissenschaft*, Schmitt does not hide his admiration for Savigny, whose name "should be inserted in a list of the greatest Europeans".[5] This is important to keep in mind in the perspective

[3] Georg W. F. Hegel, *Grundlinien des Philosophie des Rechts*, Leipzig: Felix Meiner, 1911 (originally published in 1821), page 225 (§273).

[4] Friedrich C. von Savigny, "*Ueber den Zweck dieser Zeitschrift*", in *Zeitschrift für Geschchtliche Rechtswissenschaft*, Berlin 1815, Volume 1, pages 1–17, page 6: *Die geschichliche Schule nimmt an, der Stoff des Rechts sey durch die gesamte Vergangenheit der Nation gegeben, doch nicht durch Willkühr, so daß er zufällig dieser oder ein anderer seyn könnte, sondern aus dem innersten Wesen der Nation selbst und ihrer Geschichte hervorgegangen. [...] Die ungeschichtliche Schule dagegen nimmt an, das Recht werde in jedem Augenblick durch die mit der gesetztgebenden Gewalt versehnen Personen mit Willkühr hervorgebracht, ganz unabhänglich von dem Rechte der vorhergegangenen Zeit, und nur nach bester Ueberzeugung, wie sie der gegenwärtigen Augenblick gerade mit sich bringe.*

[5] Carl Schmitt, *Die Lage der europäischen Rechtswissenschaft*, Tübingen: Internationaler Universitätsverlag, 1950, page 21.

of the Schmittian elaboration of a theory of law which, with a different conceptualisation of the circumstances in which the law arises, shares nevertheless the core assumption that the law cannot be simply reduced to a purely theoretical and philosophical creature, as if its historical and social context may not matter.

The codification movement within European legal studies had emerged largely against the background of the natural law theories of the eighteenth century, and in the nineteenth century it opened the way for the next historical step, namely legal positivism. This position in its essence establishes the state as the supreme source of the law, which becomes reduced to the codes and the other legal norms issued by the state (law bills, decrees, etc...) and comes to depend upon the sheer will and consideration of the legislator, without regard of historical factors. It is possible to see how this identification of the law with the state would ultimately lead to a reverse overlapping of the state with the law, in other words an overlapping between the *Staatsrecht* and the *Rechtsstaat*, as in Kelsen's theory of law and the state. For Schmitt, the prevalence of legal positivism which accompanied the history of the nineteenth century marks the defeat of a sound idea of law (*Recht*), legal science (*Rechtswissenschaft*) and of the role itself of the jurist in his professional dignity, especially after the liberal revolutions of 1848. While considering the rising trajectory of legal positivism in the nineteenth century, Schmitt recalls Bernhard Windscheid proclaiming in 1854 during a speech at the university of Greifswald that "the dream of natural law is over" (*Der Traum des Naturrechts ist ausgeträumt*), and Julius von Kirchmann, who gave a speech in 1847 before the *Juristische Gesellschaft zu Berlin* entitled "The Worthlessness of Jurisprudence as Science" (*Die Werthlosigkeit der Jurisprudenz als Wissenschaft*), denouncing the substantial futility of the jurists in a situation where "three corrective words from the legislator and entire libraries become wastepaper" (*drei berichtigende Worten des Gesetzgebers und ganze Bibliotheken werden zu Makulatur*).[6]

The landscape in which Schmitt's work should be situated is therefore characterised by opposing tendencies in the definition of the law, the state and the role of the jurist, largely between legal positivism and the opposition against it. Nev-

[6] Schmitt, *ibidem*, pages 14–15.

ertheless, this opposition is not to be understood as a Manichean dichotomy between completely disconnected options. Historically, legal positivism, as briefly mentioned above, owes its origin to this codification, which in its turn is indebted to natural law theories, which legal positivism, paradoxically, was to overcome. Schmitt's portrayal of the opposition between legal positivism and Savigny's *Historische Rechtsschule* also does not give a complete account of the role that the idea of the *Volksgeist* has performed in the evolution of legal studies. The paradox of the historical school lies in fact in a philosophical definition of the *Volk* and its history, which eventually led to an anti-historical vision of the law.[7] Furthermore, there are other elements of continuity between legal positivism and Savigny's conception of law, which he regarded as complete and presenting no gaps (*Lücken*), an element which Schmitt may have underplayed. For the legal positivists, as well, the law is a unitary system, complete (i.e. with no gaps) and coherent, but against Savigny's view it is to be understood as positive, i.e. the law in force, made by norms and commands and sanctioned exclusively by the state,. Moreover, the legal positivists argue that the legal sciences have to deal exclusively with the positive norms and their succession, hierarchy and structures, but not with anything which lies beyond the boundaries of this formalistic conception of law.

This last conception of the law is shared by a series of German legal thinkers in the nineteenth century, whose work concentrated on the creation of a theory of the state (*Staatslehre*), in which the state can be theorised from a sheer legal perspective, by assuming the definition of the state as a (public) legal person (*rechtliche Persönlichkeit*), endowed with its own will. Authors like Karl von Gerber,[8] Paul Laband,[9] Rudolf von Jhering (before he elaborated a teleological conception of the law)[10] and Georg Jellinek[11] all developed a general theory of the state along the lines of a purely legal theorisation, sometimes, as in the case of Gerber, even be-

[7] Ernst-Wolfgang Böckenförde, *Die Historische Rechtsschule und das Problem der Geschichtlichkeit des Rechts*, in Böckenförde, *Staat, Gesellschaft, Freiheit. Studien zur Staatstheorie und zum Verfassungsrecht*, Frankfurt am Main: Suhrkamp Verlag, 1976, pages 9–41.

[8] Karl von Gerber, *Grundzüge eines Systems des deutschen Staatsrechts*, Leipzig, Bernhard Taunitz Verlag, 1865.

[9] Paul Laband, *Das Staatsrecht des Deutschen Reichs*, in three volumes, Leipzig: Mohr (Paul Siebeck), 1876–1882.

[10] Rudolf von Jhering, *Der Kampf ums Recht*, Wien: Manz Verlag, 1872.

[11] Georg Jellinek, *Allgemeine Staatslehre*, Berlin: Häring Verlag, 1900.

fore the creation of a German unified state. This movement continued in the early twentieth century and in Weimar, with thinkers such as Gerhard Anschütz, and Richard Thoma,[12] but it soon started to encounter a stiff resistance. The work of Schmitt can be largely framed within this movement of resistance against legal positivism. Schmitt borrowed elements from its various components and theoretical directions, while envisaging new ones, particularly in relation to a more sophisticated sociological understanding of politics as the source of legal and constitutional order, of the state and the problem of international order (*nomos*).

Indeed already at the beginning of the nineteenth century a crisis of the system of law elaborated by legal positivism became more apparent. The sheer formalistic theorisation of the relations between the state, the society and the law seemed more and more problematic. Well before the First World War and the subsequent general crisis of the German state (collapse of the monarchical system, revolution, new constitution), the rapid economic and social transformations taking place within the *Reich* made some of the tenets of legal positivism difficult to defend, particularly the idea of the completeness of the law, and more generally the methodological argument that the legal sciences should be preoccupied simply and exclusively with norms, and not the extra-legal historical and sociological circumstances in which they arise. The landscape of German legal studies at the end of the nineteenth century is therefore characterised by the rise of an anti-formalistic reaction against legal positivism, with jurists exploring alternative theoretical directions. Rudolf Jhering, in the second part of his theoretical production, promoted a teleological idea of law, according to which a certain goal and the related interest from the legislator are the true causes of legal norms, and that consequently it is the task of the legal sciences to investigate such a goal (*Zweck*).[13] Jhering's attack on legal positivism was therefore primarily aimed at showing the relevance of non-purely legal concepts for the understanding of the law. Philipp Heck was the legal theorist who systematized this position, expanded it and created a proper *In-*

[12] Gerhard Anschütz, *Die Verfassung des Deutschen Reiches vom 11. August 1919. Ein Kommentar für Wissenschaft und Praxis*, Berlin: Stilke, 1926; Gerhard Anschütz and Richard Thoma (eds.), *Handbuch des deutschen Staatsrechts*, in two volumes, Tübingen: Mohr Verlag, 1930- 1932.

[13] Rudolf von Jhering, *Der Zweck im Recht*, Leipzig: Breitkopf & Härtel Verlag, 1877.

teressenjurisprudenz, whereby legal norms are conceptualised as decisions for the regulations of determined conflicts of interests.[14] The gaps in the legal system have to be covered by the judge expanding the existing legal norms in consideration of the legislative decision and the underlying compromise of interests. Heck highlighted therefore not only the importance of the extra-legal fact, but also the non-completeness of the legal system, against the prevalent legal positivist stance.

A more comprehensive attack against legal positivism took shape with the *Freirechtsbewegung* (the "movement of free law"), which undermined the last standing dogma of legal positivism, namely that all law proceeds from the state. Hermann Kantorowicz, one of the key promoters of this movement, in his *Der Kampf um die Rechtswissenschaft*[15] claimed that the law is a product of society as a whole, and every domain of the society produces law, thus continuously filling the gaps that the state-centred law system cannot cover. This is even more so for the activity of the judge, who is not simply the master of the "logical machine" of pure legal norms, but the creator of new law through interpretative decisions.

During the first decade of the twentieth century, therefore, when Schmitt was still a student, the situation within legal studies was ready for the development of a sociology of law. This forms the primary achievement of Eugen Ehrlich.

The key concept employed by Ehrlich in his *Grundlegung der Soziologie des Rechts* was that of living law (*lebendes Recht*), in opposition to the law coming from the law bills issued by the state (*Gesetzesrecht*), which allowed him to investigate from a sociological perspective the existence of gaps in the state-centred legal system, which indicated how the law, as a social product, is indeed the result of a stratification and a synthesis of various instances in which the law itself is produced, namely a "social law" (*gesellschaftliches Recht*) as organisational dispositions of human associations, a law of the jurists (*Juristenrecht*), the product of the intellectual work of the legal experts and professionals, and finally the law coming from the law bills of the state and other legal dispositions and commands issued by state author-

[14] Philipp Heck, *Gesetzesauslegung und Interessenjurisprudenz*, in *Archiv für die civilistische Praxis* (AcP) No.112, 1914, pages 1–318.
[15] Hermann Kantorowicz, *Der Kampf um die Rechtswissenschaft*, 1906.

ities (*staatliches Recht*). Ehrlich is not simply interested in finding a definition of law from a conceptual-formal perspective, but he is indeed interested in analysing the social activity of the production of justice in society, a process which is carried out by concrete individuals who, like artists giving shape to their artwork, do synthesise the reality (*Wirklichkeit*) of social relations in legal concepts: "because justice rests indeed on social currents, but it requires, in order to become effective, the personal action of the individual. [...] Justice, as it is individually shaped in law bills, judgements and works of literature, is in its highest expressions the result of a genial synthesis of oppositions, like everything of greatness, which has ever been created".[16]

Schmitt's intervention in the ongoing debates about the law, the state and constitutional forms was followed by the anti-sociological reaction formulated by Hans Kelsen, who tried to reconfigure a legal positivistic approach to the problem of law with the elaboration of a purely formalistic-conceptual doctrine, the *reine Rechtslehre*. Already in his *Zur Soziologie des Rechts* (1912), Kelsen rejected the theses of Ehrlich and of the *Freirechtsbewegung*, by arguing that the task of legal sciences must remain that of the elaboration of legal concepts without being obfuscated by sociological questions. While he accepts the point that sociology can certainly conduct its exploration of law, he remarks upon the different methodological approaches between legal sciences and sociology, and the necessity of keeping them separated.[17]

From this point onwards, the critical divisions of different orientations in the conceptualisation of the law and of the state are essentially set. On the one hand, Kelsen's reactions to the attacks against legal positivism would amount to a unified grand theory of law understood in a purely formalistic sense. On the other Ehrlich, Max Weber and later — in a peculiar fashion — Carl Schmitt would concentrate

[16] Eugen Ehrlich, *Grundlegung der Soziologie des Rechts*, München and, Leipzig: Duncker & Humblot Verlag, 1914, page 162: Denn die Gerechtigkeit beruht zwar auf gesellschaftlichen Strömungen, aber sie bedarf, um wirksam zu werden, der persönlichen Tat eines einzelnen. [...] Die Gerechtigkeit, so wie sie in Gesetzen, Richtersprüchen, literarischen Werken individuell gestaltet wird ist in ihren höchsten Äußerungen das Ergebnis genialer Synthese der Gegensätze, wie alles Großartige, das je geschaffen worden ist.

[17] Hans Kelsen, "*Zur Soziologie des Rechts, Kritische Betrachtungen*", in *Archiv für Sozialwissenschaft und Sozialpolitik*, Volume 34, Issue 2, 1912, pages 601–614.

on the refinement of a sociological enquiry into legal and political matters. Weber would orient his investigation of the sociology of law in the direction of a sociology of human action, and not of the legal norms as envisaged by Ehrlich, while developing parallel enquiries into a sociology of political power and its various forms (*Herrschaftssoziologie*) and a sociology of religion (*Religionsoziologie*), as ways to capture the essence of the modern state (and law) in its economic, political and cultural dimensions. Schmitt's starting point is therefore precisely the continuation of a radical critique against legal positivism, which he pursues by denying all its theoretical tenets: rejecting a purely formalistic approach to jurisprudence but including the exploration of the sociological, political and even theological roots of the law, re-discussing the dignity and the function of the jurist, denying the completeness of the state-centred law system and stressing the necessity to enlarge the scope of the investigation in order to encompass the true nature of the legal phenomenon as *social* phenomenon.[18]

As it will be illustrated in the next part of this chapter, Schmitt's work addresses the sociological understanding of the law in the context of the *crisis of the state*, which forms the recurrent, almost ubiquitous, *Leitmotiv* of his theoretical production.

From a domestic perspective, this crisis is configured as the degradation of the concept of sovereignty with its increasing formalisation and detachment from the existential circumstances in which politics is constantly situated. This is reflected in Schmitt's radical critique of liberalism and particularly in the way in which liberalism has, in his view, distorted the meaning of the law produced by the state (*Gesetz*) and more in general in its ideological conceptualisation of the *Rechtsstaat* within legal positivism. This distorted understanding of politics and the state has been reflected in a distorted conceptualisation of the law and of the role of the jurists. The crisis of the state is reflected on the other side also in Schmitt's discussion of international political order, which he reconstructs historically as a *global order in a world of states*. As the state finds itself in a generalised crisis domesti-

[18] On Schmitt's conception of law, see Michael G. Salter, *Carl Schmitt: Law as Politics, Ideology and Strategic Myth*, New York: Routledge, 2012.

cally, so internationally this very crisis manifests itself in the progressive collapse of the legal order which had lasted for centuries from the age of discoveries in the fifteenth century until the end of the nineteenth century. Again, Schmitt addresses here the problem of order from the perspective of a legal-theoretical enquiry which highlights the sociological roots of the legal phenomenon of international law, attempting to disentangle it from ahistorical conceptualisations.[19]

2.2 SCHMITT AND POLITICS

2.2.1 *The Political*

Schmitt's conceptualisation of the political is based on the presupposition that "the political has its own criteria", which are capable of producing their effects on "the diverse, relatively autonomous areas of human thought and action, especially the moral, aesthetic and economic, in a peculiar way".[20] According to Schmitt, all politics can be traced back to a fundamental dialectic, one that cannot be further simplified or analysed in more elementary parts, namely the opposition between friend and enemy. Every political action can be traced back to this distinction. Exactly as good and evil, beautiful and ugly, profitable and unremunerative, do represent the dialectic poles respectively in ethics, aesthetics, and economics so do friend and enemy occupy these poles in politics.[21]

The enemy is here understood as a counterpart, as someone belonging to a different legal and/or moral order, whose basic conception of order and justice may even be opposed to the one held by those from whose standpoint the enemy is observed.

Schmitt is explicit in affirming that the concepts of friend and enemy are to be understood in "their concrete, existential meaning (*Sinn*), not as metaphors or sym-

[19] On this point, see Jeffrey Seitzer, *Comparative History and Legal Theory: Carl Schmitt in the First German Democracy*, Westpost CT: Greenwood Publishing Group, 2001.
[20] Carl Schmitt, *Der Begriff des Politischen*, Berlin: Duncker & Humblot, 1963 (first edition 1932), page 25.
[21] Schmitt, *ibidem*, page 25.

bols" and they should not be "confused or diminished through economic, moral and other representations (*Vorstellungen*)", certainly not as an expression of private and individualistic feelings and tendencies.[22] It is also not necessary to personally hate one's political enemy.[23]

The author recalls here an important distinction that the Latin language allows between *inimicus* and *hostis*. *Inimicus* (negative prefix *in-* + *amicus*, friend) refers to the private enemy, the hated rival, the moral antagonist, as opposed to *amicus*, the moral ally outside the boundaries of kinship ties. The enemy Schmitt is referring to is instead the *hostis*, a term that in classical Latin was used to describe the adversary on the battlefield, originally it simply designated the foreigner or the stranger who did not belong to the community. Apparently, the word could indicate in ancient times also the semantic area later covered by *hospes* (guest), and may have derived from the verb *hostio* (to take revenge): the *hostis* was originally the one who lived outside the legal framework of archaic Rome and hence did not exist within an overarching jurisdiction that could cover both the Roman and the foreigner, who may have resorted to vendetta as the basic form of compensation for offences.[24] *Hostis* is for Schmitt the enemy not in a moral sense, but exclusively in a political dimension. He also recalls a similar differentiation to be found in the ancient Greek language between πολέμιος [*polémios*], a word directly coming from πόλεμος [*pólemos*, war] and ἐχθρός [*echthrós*]. The two words are roughly equivalent, respectively, to the Latin *hostis* and *inimicus* in their semantic value. Interestingly for Schmitt, "the often quoted passage [of the Gospel] »love your enemies« (Matthew 5:44 and Luke 6:27) reads »diligite *inimicos* vestros«, ἀγαπᾶτε τοὺς ἐχθροὺς ὑμῶν, and *not*: diligite *hostes* vestros; there is no mention of political enemy".[25]

The emergence of a friend-enemy dialectic can occur as a consequence of fractures originating in every aspect of social life, religious, moral, economic, ethnic or other, when the opposition between different orientations is strong enough to

[22] Schmitt, *ibidem*, page 27.
[23] Schmitt, *ibidem*, page 28.
[24] Cf. Walde, *Lateinisches Etymologisches Wörterbuch*, *op. cit.*, page 661 Alfred Ernout and Antoine Meilleit, *Dictionnaire Etymologique de la Langue Latine*, Paris: Klincksieck 1932, pages 300–301.
[25] Schmitt, *Der Begriff*, page 28, emphasis in the original.

generate a grouping of the people in opposing factions.[26] Schmitt recognized the existence of several degrees of intensity in the opposition between distinct human groups, and only in extreme situations does the enemy become the one against whom war as organized collective violence is waged. "The political opposition is the most intensive and extreme opposition" and because of the possibly ubiquitous emergence of political struggles, "every concrete contraposition (*Gegensätzlichkeit*) is more intensively political, the more it gets closer to the extreme point", namely the friend-enemy grouping.

As the enemy is not a private rival, nor the economic competitor or the adversary in general (e.g. in legal, or even academic disputes), so the enemy also has to be conceptualised as an organized collectivity (*Gesamtheit*), characterised by the real possibility of — at least eventually — violent struggle against another similarly organised collectivity. Precisely because of this collective character, the concept of enemy is inherently and exclusively public.[27] As the concept of the political has its central feature in the "eventuality of struggle", so the centrality of war for politics appears in Schmitt's argument at this point. The concepts friend, enemy and struggle (*Kampf*) get their real meaning from the relation they have and keep "to the real possibility of physical killing" (*auf die reale Möglichkeit der physischen Tötung*),[28] although war is not to be considered the "goal and objective, or even the content of politics". It represents instead "the constantly present precondition, in the form of a real possibility (of war), which determines human action and thinking in a peculiar way and through that produces a specifically political behaviour".[29]

[26] Schmitt, *ibidem*, page 35.

[27] Schmitt, *ibidem*, page 27: Feid ist nur eine wenigstens eventuell, d.h. der realen Möglichkeit nach kämpfende Gesamtheit von Menschen, die einer ebensolchen Gesamheit gegenübersteht. Feid ist nur der öffentliche Feind, weil alles, was auf eine solche Gesamtheit von Menschen, insbesondere auf ein ganzes Volk Bezug hat, dadurch öffentlich wird.

[28] Schmitt, *ibidem*, page 31.

[29] Schmitt, *ibidem*, page 33: Der Krieg ist durchaus nicht Ziel und Zweck oder gar Inhalt der Politik, wohl aber ist er als die reale Möglichkeit immer vorhandene *Voraussetzung*, die das menschliche Handeln und Denken in eigenartiger Weise bestimmt und dadurch ein spezifisch politisches Verhalten bewirkt (emphasis in the original).

2.2.2 *The State*

The Concept of the Political is only partially dedicated to a purely analytical discussion of "the political" as philosophical category. The author is equally interested in the state, and in the clarification of the idea of the state in the light of his discussion of the political. More in general, the state remains constantly at the centre of Schmitt's writings, whether directly focused on political thought, constitutional law, or international law, and from the very early works, such as *Der Wert des Staates und die Bedeutung des Einzelnen* (1914),[30] up until his last major publication *Theorie des Partisanen* (1963). Throughout all his production, and with increasingly apocalyptic overtones, he is eager to make the point that the state finds itself in a situation of steep decline, with potentially catastrophic consequences. This decline is mainly to be attributed, as will be illustrated, to the erosive action of liberal ideologies, and specifically from a legal perspective, to the perversion of the idea of law (*Gesetz*). Schmitt's definition of the state matured during the late 1910s and the early 1920s, a period in which Schmitt directly witnessed the turbulent times of war, defeat and revolution in Germany. As his biographers agree, this has been a decisive experience for his formation, and for the shaping of his theoretical orientation. Before the war, Schmitt elaborated his view on the state along the lines of a purely legal-theoretical argumentation, in the tradition of post-Hegelian philosophy of law, namely as a member of a triad composed also by the individual and the law, where the state assumed the role of mediator between these two poles. In this first formulation, "from the opposition between the norm and the real, the empirical world follows the position of the state as a point of passage (*Übergangspunkt*) from one world into the other". The state is consequently defined as the "legal entity (*Rechtsgebilde*) whose meaning lies exclusively in the task of implementing the law (*Der Staat ist danach das Rechtsgebilde, dessen Sinn ausschließlich in der Aufgabe besteht, Recht zu verwirklichen*)".[31] But in 1927, when the *Concept of the Political* was first published, Schmitt's definition of the state became much more complex,

[30] Carl Schmitt, *Der Wert des Staates und die Bedeutung des Einzelnen*, Tübingen: Verlag von J.C.B. Mohr (Paul Siebeck), 1914.
[31] Schmitt, *ibidem*, page 52.

less reliant on sheer theoretical arguments, and heavily influenced instead by sociological sensibilities. In this period, a sort of conversion to a more explicit critique of legal positivism emerges in all its power. The state appears now at the crossroads of many instances, which may be grasped primarily within a historical reconstruction, something that Schmitt points to in rather genealogical terms: "the state is", he writes, "according to the meaning itself of the word and its historical manifestation, a condition of a special kind of a people" (*Staat ist seinem Wortsinn und seiner historischen Erscheinung nach ein besonders gearteter Zustand eines Volkes*), namely "the decisive condition in a critical case and therefore, the condition *par excellence*, when compared with the many thinkable individual and collective conditions".[32] The full appreciation of the state as a concept can only be achieved through the understanding of the general condition of the political (friend/enemy dialectic) and the special circumstances which create the state as it emerges from the state of exception, which lies at the origin of both the state and its legal system, and from the state of war.

Schmitt never abandoned, in the course of his exceptionally long and productive intellectual life, the idea that politics in his time could only be correctly understood from a perspective capable of going beyond individualism, which apparently does not represent, despite a pervasive contrary opinion, the characteristic cypher of late modernity: "Our time", so wrote Schmitt already in 1914, "is not an individualistic time".[33] This claim is largely grounded on a reflection about the key tenet of modern culture, which he identifies in scepticism and technical precision: "A time, which defines itself as sceptical and precise, may not call itself individualistic in the same breath; neither scepticism nor the precise natural sciences are capable of establishing any individuality".[34]

The political for Schmitt manifests itself always in a collective dimension, only belonging to a certain group making sense of the political from the viewpoint of the individual. As previously recalled, the fundamental political relation, the friend-enemy dialectic, emerges out of a grouping of people in different, opposed factions.

[32] Schmitt, *Der Begriff*, page 19.
[33] Schmitt, *Der Wert des Staates*, page 6.
[34] Schmitt, *ibidem*, page 4.

More precisely, "[p]olitical is always the grouping which is oriented towards the case of emergency" (*Politisch ist jedenfalls immer die Gruppierung, die sich an dem Ernstfall orientiert*).[35] The political entity, the supreme *Gruppierung*, which Schmitt perceives as the best fit for this theoretical definition is then the state directed and shaped by the problem of managing the state of emergency. The state is the "decisive human grouping", "sovereign" in the sense that "the decision about the decisive case, even when it is the case of exception, has to belong to it because of conceptual necessity".[36]

Along this line, Schmitt develops the concept of the state in its relation to war and warfare. "To the state", he writes "belongs the *jus belli*, i.e. the real possibility, in a given case on its own decision, to identify the enemy and to fight him" (*die reale Möglichkeit, im gegebenen Fall kraft eigener Entscheidung den Feind zu bestimmen und ihn zu bekämpfen*).[37] The state has historically evolved in the direction of concentrating in itself increasing amounts of material resources, which had become, by the time Schmitt was writing, "*ungeheuer*" (monstrous or terrific), not least in its capacity to wage war. The *jus belli* is also eminently reflected in the power of the state to "dispose of the life of humans" (*das Leben von Menschen zu verfügen*) , in a "double possibility: to demand from the members of one's own people the readiness to die and kill, and to kill the humans who stand on the enemy side" *(von Angehörigen des eigenen Volkes Todesbereitschaft und Tötungsbereitschaft zu verlangen, und auf der Feidesseite stehende Menschen zu töten*).[38]

On the other hand, following a well-established and explicitly Hobbesian tradition, the normal role of the state in times of peace is that of policing, namely to ensure "quiet, security and order" (*Ruhe, Sicherheit und Ordnung*) and hence to create that situation which is the necessary precondition for the validity of legal norms, "because every norm presupposes a normal situation" and no norm can have validity for a wholly abnormal situation. This is a very important point for the understanding of Schmitt's theory of the state: as the *jus belli* consists primar-

[35] Schmitt, *Der Begriff*, page 36.
[36] Schmitt, *ibidem*, page 36.
[37] Schmitt, *ibidem*, page 42.
[38] Schmitt, *ibidem*, page 43.

ily in the political act of determining who the enemy to be fought in war is, and so the creation of peace and security domestically may well require the identification and the abatement of a domestic enemy, if present. Schmitt recalls at this point the invariable presence within the legal orders of political entities, already in antiquity, of regulations aimed at the achievement of this goal, namely what he calls *Feinderklärung* (declaration of enmity), which may be substantiated in acts of ostracism, bans, proscription etc. Ultimately, the creation of a domestic order through the elimination of the internal enemy may assume, in its most extreme case, the form of a civil war. Schmitt defines it as "the dissolution of the state as an internally pacified, territorially self-comprehensive, and impenetrable by foreigners, organised political unity" (*Auflösung des Staates als einer in sich befriedeten, territorial in sich geschlossenen und für Fremde undurchdringlichen, organisierten politischen Einheit*).[39] Civil war has a very important role in defining the political identity of a collectivity or, better, it functions as a decisive process in relation to the development and future of the political collective.

Power exerted by the political entity over the physical existence of humans for the survival, perpetuation and aggrandisement of the political entity itself is described by the author as the key feature of a political community, the distinguishinig trait in relation to other forms of human groupings. While a church, or a religious sect, may well demand martyrdom of some of its members exclusively for the salvation of their souls, this does not represent a political entity as long as this power of life and death is not related to the earthly stance of the sect itself. If this is the case, the sect or church ceases to be a mere religious organisation and becomes a full-fledged political community.[40]

In a society characterised by the dominance of liberal ideology, the conflict between the nature of the political as friend-enemy dialectic and the economic organisation of the society becomes particularly acute and it is taken by Schmitt as the main feature of the problematic conceptualisation of the political within liberalism. "In an economically determined (*ökonomisch bestimmt*) society, whose order, i.e.,

[39] Schmitt, *ibidem*, page 44.
[40] Schmitt, *ibidem*, page 45.

whose predictable functioning takes place in the domain of economic categories," so thinks Schmitt, "under no possible viewpoint it is possible to demand the sacrifice of some member of the society, in the interest of the undisturbed functioning of his life", as this would clearly be a contradiction. As it shall be illustrated below, Schmitt's highlights the contradiction between denouncing war as murder and waging war in the name of "ending all wars", i.e. the very idea of fighting wars, dying and killing, for a normative principle. Schmitt's theoretical position is instead that "war, the readiness to die of fighting humans, the physical killing of other humans, who stand on the enemy side, all this has no normative meaning, but only an existential one, and namely in the reality of a situation of actual fighting against an actual enemy, not in some ideal, programme or other norm".[41]

2.3 SCHMITT AND INTERNATIONAL POLITICS

The reality of the state as the prevalent form of political organisation in the modern age represents the manifestation of the political within the historical circumstances of modernity. As the friend-enemy dialectic implies the division of the world into a plurality of political units, each of them being free to determine its destiny through the exercise of its sovereignty, so the existence of one state implies the existence of a plurality of states. The modern world is therefore necessarily a *Staatenwelt*, a world of states. Schmitt criticised here two important tenets of the liberal internationalist political conception which dominated the interwar period during which he was writing, despite the already evident setbacks that the post-WWI liberal international order was suffering. The first idea to be criticised is that of a prospective world state, given the above described formulation of the political, any "political world is necessarily a *pluriverse*, not a *universe*" (emphasis added). As long as the state prevails as the dominant political form, "there will be a plurality of states and there can be no world-"state" which encompasses the whole of the earth and the

[41] Schmitt, ibidem, page 46: Der Krieg, die Todesbereitschaft kämpfender Menschen, die physischen Tötung von andern Menschen, die auf der Seite des Feides stehen, alles das hat keinen normativen, sodern nur einen existentiellen Sinn, und zwar in der Realität einer Situation des wirklichen Kampfes gegen einen wirklichen Feind, nicht in irgendwelchen Idealen, Programmen oder Normativitäten.

whole of mankind".[42] Schmitt is explicit in portraying the near-impossibility of such a state, which would imply the elimination of any possible political opposition, and the creation of a perfectly de-politicised world. The whole of the earth may be unified in such a world but still not in a political sense, because the presupposition of its unity would be precisely the elimination of any politically driven grouping: in such a hypothetical condition, there would still not be a world state, as there would be no politics at all.[43]

The second idea that Schmitt attacks is that of humanity as a political category. The author makes his point clear that "humanity is not a political concept", as there is "no political unit, no community and no *state* [*Status*; emphasis in the original] corresponding to that concept".[44] Again within the Schmittian understanding of the political as friend-enemy dialectic, humanity is not a political concept because "humanity as such cannot wage any war, as it does not have any enemy, at least not on this planet". The concept of humanity is a concept inherently belonging to the domain of de-politicisation, as "it excludes the concept of enemy, since the enemy as well does not cease to be human and there lies not specific differentiation".[45]

From a historical perspective, Schmitt traces the emergence of the (still today) dominant idea of humanity from the political landscape of the eighteenth century. Within that context, the author claims, humanity was indeed "a polemical denial of the then-existing aristocratic-feudal or class order and their privileges". The humanity of the liberal doctrines appears consequently to be a "social ideal construction" derived from "natural law and liberal-individualistic doctrines", a network of relations between individuals, which excludes the possibility of the political, as in such an ideal world there is no place for collectivities as political unities. Humanity has consequently outlived its original polemical role, and it has evolved into a powerful tool for ideological de-politicisation and for the advancement of partial interests.[46]

[42] Schmitt, *ibidem*, page 50.
[43] Schmitt, *ibidem*, pages 50–51 and page 54.
[44] Schmitt, *ibidem*, page 52.
[45] Schmitt, *ibidem*, page 51.
[46] Schmitt, *ibidem*, page 52.

2.3.1 *Nomos and International Order*

The centrality of the state-system and the consequently state-based idea of international order are translated into a more general reflection about the nature of international politics as emerging from the political as friend-enemy dialectic. While at the national level the political struggle can determine the victory of one side and for a certain time stabilize the difficult balance in the friend-enemy dialectic, outside the boundaries of the state this is not possible in the same manner. Within the state, as already understood by Hobbes, the use of violence can be reduced to times of exception, and it is otherwise outlawed. In the international sphere, the lack of a supreme authority makes a similar solution impracticable. In *Der Nomos der Erde*, arguably Schmitt's most famous work, and clearly the most relevant from an IR perspective, the problem of international order both at political and international level is studied through the analytical lenses of the friend-enemy dialectic, legitimation and political theology from a historical perspective.[47]

As the world and mankind is divided into politically opposed groupings, the problem of organising the pluralism of the world and the management of the resulting relations has been prominent since antiquity, well before the rise of the modern state. The organisation and the management of these sets of reciprocal relations between political units requires an original foundational act for the establishment of a common law (*Recht*), in this case clearly of an international law. This foundational act, in Schmitt's view, has the content of a division, distribution and appropriation of land (*Landeinteilung*, *Landzuteilung*, *Landnahme*), which he terms the "*nomos*" of the earth. The author believes that he has identified with this concept the very act that forms the foundation of any law (*Recht*), both domestic and international. The law appears indeed always as related to the ground, as the human being is ultimately a "terrestrial" creature. The law is intimately tied to the earth: the earth compensates the worker for his fatigue with its fruits, whereby "every peasant knows the intimate measure of this justice" (*Jeder Bauer kennt das*

[47] Carl Schmitt, *Der Nomos der Erde im Völkerrecht des Jus Publicum Europaeum.* Berlin: Duncker & Humblot Verlag, 1950. English Translation by G.L. Ulmen, Telos, New York 2003.

innere Maß dieser Gerechtigkeit); the earth shows the lines dividing the different portions of the soil which humanity has assigned to different activities and economic destinations; the earth bears the signs of the ordering and locating which is the expression of the social life of humans, enclosures, fences, walls, boundary stones, houses and other constructions. In this division of the earth, in the *nomos*, "family, tribe, clan and class, the type of property and of neighbourhood are made publicly visible".[48] Schmitt contrasts the foundational character of the land and its division in relation to the law, all aspects of the "telluric" nature of the legal sphere, with the absence of such order on the sea, which "knows no such manifest unity of space and law, of ordering and localisation" (*das Meer kennt keine sinnfällige Einheit von Raum und Recht, von Ordnung und Ortung*).[49] Schmitt recalls here all the most important elements of his investigation of the opposition between land and sea in legal thinking, which he had previously developed in *Land und Meer*,[50] among which the principle of the freedom of the sea (*das Meer ist frei*) and the historical connotations of the original absence of law on the sea, particularly reflected in the practice of piracy. Indeed, as documented by Homer, piracy did not originally constitute a crime, and none of the Homeric heroes would have been ashamed of being the son of a venturous pirate, simply "because on the open sea there was no constraint or limit, no shrine and no holy place".[51]

Schmitt is therefore adamant in declaring that the great foundational acts of law have the character of localisation based on the land (*Die großen Ur-Akte des Rechts dagegen bleiben erdgebundene Ortungen*), whose chief manifestations are the appropriations of land, the foundation of cities, and of colonies (*Landnahmen, Städtegründungen und Gründungen von Kolonien*).[52]

The appropriation of land (*Landnahme*) has for the political and legal life of a community a great importance, as it gives a foundation to the legal order both internally and externally. Internally, among the members of the human group which has

[48] Schmitt, *ibidem*, page 13.
[49] Schmitt, *ibidem*, page 13.
[50] Carl Schmitt, *Land und Meer. Eine Weltgeschichtliche Betrachtung*, Stuttgart: Klett-Cotta, 2011 (originally published in 1942).
[51] Schmitt, *Der Nomos*, page 14.
[52] Schmitt, *ibidem*, page 15.

performed the land appropriation, the first division and distribution of that land "creates the first order of all relations of possession and property" (*die erste Ordnung aller Besitz- und Eigentumsverhältnisse*).[53] From this first division of the land flows the internal legal ordering of the political community, both in the sense of the regulation among private subjects and their relations, and of the establishment and conduct of a public law. In terms of the internal effects of the division of land, Schmitt highlights how this also generates "a sort of *super-property* (*Obereigentum*, emphasis in the original) of the community in its collectivity", which does remain valid "even when the subsequent distribution is no longer a sheer collective property (*Gemeinschaftseigentum*) and recognises the fully "free" private property (*Privateigentum*) of the single person".[54] Externally, the appropriation of land establishes the status of the group of humans performing the appropriation against other groups or powers which also are in the process of land appropriation, or possession. Schmitt rejects clearly and openly any suggestion of legal positivism, by stating how the intellectual construction of international law is not grounded in thought, but in the reality of land appropriation and division. And there is not only one kind of law, the positive law of the state, but on the contrary there are "several kinds of law": alongside the law of the state there is a law which precedes the state, which is external to the state, as well as a law which exists between the states (*Es gibt mehrere Arten von Recht. Es gibt nicht nur die Staatliche Legalität, sondern auch vor-, außer- und zwischenstaatliches Recht*).[55] The plurality of different kinds of law is bound to the plurality of land appropriation processes, each founding a different law, so that "in international law [...] in every period of history arise coexisting empires, countries and peoples, which develop diverse orders for their coexistence". Of these legal orders, the most important part consists in the principles and procedures, both public and private, for territorial change (*Gebietsänderung*).[56]

The appropriation of land should not be understood, Schmitt is eager to precise, as a "sheer construction of the thought", but as "a fact of legal history, and as

[53] Schmitt, *ibidem*, page 16.
[54] Schmitt, *ibidem*, page 16.
[55] Schmitt, *ibidem*, page 51.
[56] Schmitt, *ibidem*, page 51.

a great historical event", despite the obscurity that may surround such events, especially if they occurred in remote times.[57] The appropriation of land is moreover the determining turning point which stays "at the beginning of the history of every people becoming sedentary, of every collectivity (*Gemeinwesen*) and of every empire (*Reich*)". An appropriation of land marks "every beginning of a historical era", and it precedes, logically and historically, the creation of a new order.[58] Consequently, Schmitt is ready to state that "the history of international law up to this point is a history of land appropriations", which have successively encompassed more and more of the Earth's surface, land and sea, until the creation, from the sixteenth century onwards, of the first global order, encompassing the whole of the planet. This new global order grew out of a new stage of human spacial consciousness (*ein neues Stadium menschlichen Raumbewußtseins*).[59] While indeed all pre-global conceptions of spacial order were completely tied to the ground, even when they included dominion on the sea, this situation has been transformed during the age of discoveries, "as for the first time the earth was comprehended and measured by the global consciousness of the European peoples" (*als die Erde zum erstenmal von dem globalen Bewußtsein europäischer Völker erfaßt und gemessen wurde*).[60] Only with the discovery, exploration and appropriation of new lands on a global dimension did the first *nomos* of the Earth come into being, a form of international order which was based on a particular relation of spacial order of the land with the spacial order of the sea, an arrangement which supported "for 400 years a Europe-centric international law, the *jus publicum Europaeum*".[61]

The Nomos of the Earth, after the initial explanation of the key relevant concepts, develops a full historical reconstruction of the transition from pre-global international law systems, specifically the European medieval conception of world politics, to the *jus publicum Europaeum* and its crisis, which formed during the nineteenth century and erupted in the first half of the twentieth century. In Schmitt's reconstruction, the medieval order of Europe is the historical and logical

[57] Schmitt, *ibidem*, page 17.
[58] Schmitt, *ibidem*, page 19.
[59] Schmitt, *ibidem*, page 19.
[60] Schmitt, *ibidem*, page 19.
[61] Schmitt, *ibidem*, page 19.

predecessor of the modern order (the *jus publicum Europaeum*) and had emerged from the land appropriations occurring at the time of the migrations (*Völkerwanderung*). Despite being "very anarchical", if compared with the smooth functioning of a modern organisation, and despite all the wars and feuds, it was "not nihilistic, as long as it did not lose its fundamental unity of ordering and location" (*Ordnung und Ortung*).[62]

The European civilisation which emerged from the migrations understood itself primarily as Christendom, the communion of all true Christians under the guidance of the Catholic Church. The territorial definition of its order was extremely precise, and articulated in a division of the world between the soil (*Boden*) of the non-Christian, heathen peoples, which was missionary land (*Missionsgebiet*), that of the Muslims, which was identified as a hostile area to be conquered and annexed with crusades, and the Byzantine empire, which constituted a special legal case in itself.[63] Schmitt explains the unity of the respublica Christiana as the manifestation of *Imperium* and *Sacerdotium*, both centres of legal and political authority of medieval Europa, whose authority came from the spacial tie (*Anknüpfung*) to Rome and the continuation of the ancient locations (*Ortungen*) of the Christian faith.[64] This relation of continuity relied on the "concrete location of Rome, not in norms and general ideas" and in the continuity between the international law of the Middle Ages and the late Roman empire whose nature of Christian empire was translated onto the legal order of the Middles Ages. Schmitt argues indeed that "substantial to that Christian empire is that it is not an eternal empire (*ewiges Reich*), but it restraints (*im Auge behält*) its own end and the end of the present aeon (*das Ende des gegenwärtigen Äon*) and nevertheless is capable of a historical power" (*einer geschichtlichen Macht fähig ist*). The author introduces at this point one of his most controversial concepts, that of the *katechon*, which finds its historical roots precisely in the role that the empire, its order and its legal system had within the political-theological conception of late antiquity and the Middle Ages. Schmitt argues that the continuity of the idea of a Roman empire is due to a "deci-

[62] Schmitt, *ibidem*, page 26.
[63] Schmitt, *ibidem*, page 27.
[64] Schmitt, *ibidem*, page 28.

sive concept, with massive historical impact", namely that of the "restrainer, of the *kat-echon*" (*Der entscheidende geschichtmächtige Begriff seiner Kontinuität ist der des Aufhalters, des* Kat-echon).[65] The concept of the *katechon* comes from a phrase of Paul (Second Epistle to the Thessalonians 2:5–7),[66] while the apostle is revealing what will happen at the end of days, namely the coming of an Antichrist, before the second coming of Jesus Christ in his glory, and the last judgment. The Antichrist, and the end of the world with him, is checked by "something that restrains it", a phrase which in Ancient Greek can be expressed with a simple participle of the verb κατέχω (*katécho*), meaning to restrain, to hold back. This participle appears first in its neutral form τὸ κατέχον (something that restrains) and in the next phrase as masculine ὁ κατέχων (he who restrains). According to Schmitt, the whole of the Medieval self-understanding of history and politics can be explained with the concept of the katechon: the authority of the Fathers and theological authors like Tertullian, Hieronymus and Lactantius Firmianus, as well as other traditions, all agreed on the point that "only the imperium Romanum and its Christian continuation explain[ed] the stability of the aeon and preserve[d] it against the overwhelming power of evil".[67]

Schmitt traces the dissolution of the medieval world order to two main historical phenomena. The first one is the discovery of the New World and the consequent acquisition of land by the European powers. As already described above, the change in the spatial understanding of the world promoted a change in the way in which the legal and political order had to be theorised. The second phenomenon was the loss of religious unity with the Reformation and the subsequent religious wars, which prompted the elaboration of a new political order on the continent to be organised around modern states and their interactions. This transformation occurred largely with a superficial abandonment of the theological understanding of

[65] Schmitt, *ibidem*, page 29.

[66] The *textus receptus* of the Greek version is the following: "Οὐ μνημονεύετε ὅτι ἔτι ὢν πρὸς ὑμᾶς ταῦτα ἔλεγον ὑμῖν;καὶ νῦν τὸ κατέχον οἴδατε, εἰς τὸ ἀποκαλυφθῆναι αὐτὸν ἐν τῷ αὐτοῦ καιρῷ: τὸ γὰρ μυστήριον ἤδη ἐνεργεῖται τῆς ἀνομίας: μόνον ὁ κατέχων ἄρτι ἕως ἐκ μέσου γένηται." (2 Thes 2:5–7). The New King James's Bible (1982) translates it as "Do you not remember that when I was still with you I told you these things? And now you know what is restraining, that he may be revealed in his own time. For the mystery of lawlessness is already at work; only he who now restrains will do so until he is taken out of the way."

[67] Schmitt, *ibidem*, page 30.

history (the *katechon*) for the creation of rational explanation patterns in the constitution and legitimation of political and legal practices. The new *nomos* of the Earth, the first global one, was created as the result of the appropriation of enormous land areas previously occupied by non-Christian, 'heathen' aboriginal populations and political communities, and the subsequent division of the planet into roughly two areas: Europe, where the continent was re-organised around sovereign states, and the rest of the world, which was open to European exploration, discovery and annexation. Schmitt explores the ways in which the planet was divided by exploiting innovative techniques in navigation and cartography, and the resulting emergence of demarcation and amity lines,[68] and the legal doctrines which jurists envisaged in order to legitimise and regulate the land appropriations taking place outside Europe, and especially of course in the Americas.[69]

The medieval understanding of territorial order and its theological articulations had important consequences for the way in which war was regulated. The medieval category of just war (*justum bellum*) was to serve the purpose of either defending the Christian lands from non-Christian aggression, or of expanding, through conquest and annexation, non-Christian lands (e.g. the Spanish *reconquista*). In this context, what was to be considered "just" was decided by the church and more specifically by the theologians. With the emergence of a new spacial, legal and political order, the image of war changed. The concept of just war became completely transformed. Decisive for the determination of a just war was no longer the authority of the church, but "the sovereignty of the states, having equal rights" (*die gleichberechtigte Souveränität der Staaten*). What was decisive in the determination of the just war was no longer the *causa* i.e., the motivation behind waging war, but the formal circumstances in which the conflict occurred, namely the individuation of a *justus hostis*: just became the war fought by regular combatants under the flags of sovereign, recognised, equal states on European soil.[70]

For Schmitt, who considers — as illustrated above — the possibility of war and armed conflict as inherent to the very nature of the political, this "legal formalisa-

[68] Schmitt, *ibidem*, pages 54–69.
[69] Schmitt, *ibidem*, pages 69–109.
[70] Schmitt, *ibidem*, pages 91 and 113–114.

tion" has represented, "for two hundred years a rationalisation and humanisation", as it managed to produce a "domestication of war" (*Hegung des Krieges*).[71] Schmitt's expression "*Hegung des Krieges*", which recurs in many places of the *Nomos* and in other works, is difficult to translate into other languages. Étienne Balibar has highlighted this difficulty, as *Hegung* indicates "both that the state limits war to rational goals, that »civilizes« its means and its modes of declaration and conclusion, and that it protects its existence in such a way as to protect itself from the devastating effects of an ideology of suppression of conflicts".[72]

Schmitt has explained how the transition between the international order of the Middles Ages and the modern era has required a double separation, of two previously indivisible thoughts: the separation of the "moral-theological-ecclesiastical from the legal and state argument" and the separation "of the jusnaturalistic and moral question of *justa causa* from the typical legal-formal question of the *justus hostis* [the legitimate, legal enemy], which becomes distinguished from the criminal" (*Verbrecher*).[73] This transformation is both the product and solution of the religion wars which took place in Europe during the sixteenth and the seventeenth centuries.

This newly conceived Eurocentric system of international law and international order, which Schmitt labels the *jus publicum Europaeum*, is carefully described in the central part of *The Nomos of the Earth*[74] as the system based on a hierarchical ordering of spacial regions and their reciprocal relations. The system was Eurocentric in that the soil of the European states (the state itself as political ordering is determined by its territory) had a special status in relation to the rest of the world, divided between the "free sea" and all those extra-European territories, theatres of competition between the states for exploration, occupation and appropriation. Schmitt is clear in stating that the two systems of legal conduct in international political affairs, one for the European soil and the other for the rest of the planet, were mutually dependent, and that the European order could not have

[71] Schmitt, *ibidem*, pages 91.
[72] Étienne Balibar, *We the People of Europe? Reflections on Transnational Citizenship*, Princeton NJ: Princeton University Press, 2004, page 138.
[73] Schmitt, *Der Nomos*, pages 91.
[74] Schmitt, *ibidem*, pages 111–185.

existed without the specific spacial structure envisaged after the discoveries. This spacial structure (*Raumstruktur*) allowed the existence of "a domestic law (*Binnenrecht*) of the European sovereigns on the background of enormous open spaces". [75]

For Schmitt though, what is more pressing in *The Nomos of the Earth* is the description of how this system of international order, which in his view had produced the precious achievement of a domestication of war, comes to a generalised crisis towards the end of the nineteenth century, and collapses in the twentieth.[76] It is important to understand how Schmitt inscribes this reflection on international order as jus publicum Europaeum and its disbandment in the context of his broader legal-theoretical work on the state and its crisis. What had produced order from the end of the Middle Ages had been the state as the new *katechon*, and that order or *nomos* had subsequently disintegrated, as a reflex of the broader crisis of the state, into a chaotic transition whose end, at the time Schmitt was writing, was far from being visible. His book points therefore at the "question of a new *nomos* of the Earth",[77] although without being able to offer an immediate solution to the problem, which entails instead a broader approach to the crisis of the state and its foundations, namely its political theology.

Schmitt's account of the crisis of the *jus publicum Europaeum* stresses in its essence the loss of the spacial consciousness which has characterised its rise a few centuries earlier, a loss which manifested itself in the confusion between the legal status of the European and the extra-European soil. The author traces this growing confusion back to the Congo conference of 1885, which created the Free State of Congo. Despite this being considered as a peripheral event, "this was a symptom that the up to that point specifically European international law was slowly dissolving itself, without being aware of it".[78] This small crack enlarged rapidly within a few years, in which more and more non-European sovereign entities were admitted as legitimate members of the international order (China, Japan, Siam etc ...).[79] "The great problem of a spacial ordering of the earth completely disappeared from

[75] Schmitt, *ibidem*, page 120.
[76] Schmitt, *ibidem*, pages 188–299.
[77] Schmitt, *ibidem*, page 188.
[78] Schmitt, *ibidem*, page 200.
[79] Schmitt, *ibidem*, page 204.

consciousness" (*das große Problem einer Raumordung der Erde ganz aus dem Bewußtsein verschwand*).[80] The confusion was amplified by the inability of the jurists of the late nineteenth century to promote a defence of the established order, which Schmitt attributes to the rise of legal positivism, and compares this "abdication" of the jurists' custodial role in relation to international order and law, to the ousting of the medieval theologians from the same domain in the early modern era.[81]

The crisis of the *jus publicum Europaeum* is the crisis of the European state also in the manifestation of the decline of a continent vis-à-vis the rest of the world, but particularly against the position of the United States of America in the international order and its long term effects. These have manifested themselves in a further break with the spacial ordering of the *nomos*, with the proclamation in 1823 by President James Monroe of the "Monroe Doctrine", which claimed the "Western hemisphere" as the area of non-intervention of the European powers, thereby rejecting any further act of colonisation and declaring that any such act would be regarded by the US as an act of aggression. While Schmitt underscores the difficulties in defining the terms of the doctrine and their historical evolution,[82] the point he intends to make is that the doctrine represented a break with the *nomos* and the *jus publicum Europaeum* as it was based on the idea of denying the validity of the spacial arrangement on which the nomos was based, considering how the geographic line determining the hemisphere "create[d] a free range for its own [American] land appropriations. Crucially, however,the attitude of hostility towards the old monarchical Europe did not mean that the US was renouncing its belonging to the sphere of European civilisation and of the European international law community (*europäische Völkerrechtsgemeinschaft*).[83]

The progressive disintegration of the old nomos was largely accomplished according to Schmitt during the First World War and specifically with the Paris Peace Conference, in which the hierarchical relation of superiority between Europe and the extra-European world was not just abandoned, but was to a certain extent re-

[80] Schmitt, *ibidem*, page 203.
[81] Schmitt, *ibidem*, page 212.
[82] Schmitt, *ibidem*, pages 256–270.
[83] Schmitt, *ibidem*, page 261.

versed, although there was no formal discussion of the balance between Europe and the extra-European powers in the sense of a spacial re-ordering of the world. The land of the defeated enemies became "the main object of a new division of land", but those enemies were indeed "two purely European, even central European, [...] Great Powers and bearers of the European international law, Germany and Austria-Hungary".[84] The Paris Conference and its legal consequences in the forms of treaties and the League of Nations is portrayed by Schmitt as an authentic disaster for the maintenance of order in the world and in its intellectual articulation at legal level, as "this world conference did not create in any way a world order (*Weltordung*)", but rather on the contrary, "it left the world in its previous disorder (*Unordnung*), it liquidated two European Great Powers, two pillars of the hitherto existing order, and carried out a new division of the European soil".[85]

But most importantly, the Paris conference undermined the great achievement of the domestication of war during the previous centuries, depriving the enemy of a legitimate standing by condemning the war itself as a crime and the enemy as a criminal. The dismissal of core mechanisms that existed under the old *jus publicum Europeaeum* opened the way for conflicts between political entities in a new mortal, total struggle for the annihilation of the adversary, ultimately leading, in Schmitt's view, to the catastrophic situation of the Second World War, in which the goal of the *Hegung des Krieges* totally escaped from the liberal management of world order. In *Der Nomos der Erde*, Schmitt expressed his deep concern for the disintegration of the *jus publicum Europaeum* and its capability not to prevent, but to constrain and discipline wars. He envisaged in fact wars as fundamentally unavoidable, and warned again the attempt of "abolishing all wars" as a promise of more and more devastating total wars to come. The lack of understanding from the liberals of the key dynamics of politics as a friend-enemy relation, prevented the liberals from realising the dangers of trying to impose a single moral standard to the whole planet. And this is even more serious when it is considered — as Schmitt remarked — that the phenomena of neutralisation of one-sided policies

[84] Schmitt, *ibidem*, page 213.
[85] Schmitt, *ibidem*, page 213.

are constantly at work to present the interests of a dominant power as the interests of everybody, or the inherent good, or the scientific truth.

The collapse of the system of international law at the beginning of the twentieth century, reversed for Schmitt an achievement that enabled for several centuries the co-existence of a pluralism of political communities on the European continent, avoiding the self-destructive religious wars of the sixteenth and seventeenth centuries. Schmitt saw a radicalisation of these kinds of conflicts as a probable path of future history, largely by analysing the ideological clash implied in the nomos of the world during the Cold War. Nevertheless, Schmitt also proposed an alternative view, one in which several elements of his thought could flow together, namely the re-organisation of world order and of international law around the idea of *Großraum.*[86] Schmitt elaborated namely the vision of a world in which major states are capable of re-grouping around them minor societies within the framework of spheres of influence or *Großräume*, continental spaces in which the hegemon state projects its ideology and legitimacy as the dominant élite does at domestic level, while relations between *Großräume* are built on a system roughly similar to that of *the jus publicum Europaeum*. They interact therefore on equal grounds according to the principle of non-intervention, with respect of the borders that divide their spheres; the archetypal example Schmitt was referring to was the Western hemisphere as presented in Monroe's doctrine. Schmitt's understanding of pluralism is hence a radical one. The world can be plural only insofar as the bearers of different ideas of order and justice, and of normative values for human life, remain not only distinguished but also physically divided, and the Earth itself has to be partitioned accordingly. Any attempt to bring mankind together in one single political project is nonsensical, because it would mean to deny the nature itself of politics and of political freedom, which means precisely division and the choice of separate ways. Any international political order, old or new, should

[86] In line with the prevailing practice in the English language literature on the topic, I leave this term in the original German, since no accurate translation seems to be available. *Großraum* (plural: *Großräume*) is a compound of the adjective *groß* (great) and the noun (*der*) *Raum* (space, cf. Eng. room), and indicates in Schmitt's political theory the geopolitical articulation of a great power which projects its economic, military and ideological might onto other minor sovereign entities, in a stronger sense than the pure 'sphere of influence' but without direct, formal annexation of their territories and populations.

be based on a clearly stated *Landnahme* and consequent territorial division of the planet.[87]

In sum, Schmitt sees a continuity between domestic and international politics in their both being an expression of a friend-enemy dialectic. Nevertheless, at an international level, and when it comes to addressing the issue of a global dimension of politics, the dialectic remains fundamentally unresolved and it can only be managed through the construction of an order that does not rely on normative values, but exclusively on procedural rules. The goal of the international order is hence minimal: to allow the contiguous existence of different, incommensurable political realities and to constrain and regulate war. Schmitt work, particularly in *The Nomos of the Earth*, is focused overwhelmingly on an historical narrative, on an order which he sees as hopelessly lost by the time he was writing. But the crisis of that order, namely the irreversible crisis of the order of the world as a world of states, was no less than a reflex of the crisis of the state from within.[88]

2.4 SCHMITT AND IR LITERATURE

It is possible to identify three main different themes within current IR literature in dealing with Carl Schmitt and his work. First, Schmitt-related research concentrates on the identification of the influence he exerted on realism and its canonical IR authors, particularly on Morgenthau. A second recurrent theme is the call for the full integration of Schmitt's work in the IR canon, an advocacy which finds its main strategy in stressing the great relevance for international studies of most of Schmitt's intellectual production in the period between the 1930s and 1950, culminating in *The Nomos of the Earth*. This *plaidoyer* for Schmitt is clearly rather well-grounded when it points to how Schmitt's works directly cover central topics of international politics and law, while they offer a continental perspective which may be considered complementary to the critique of liberal internationalism ad-

[87] On the Schmittian theory of *Großräume*, see also Michiels Horgel, *Die Großraumtheorie von Carl Schmitt,* München: Grin Verlag, 2004.
[88] On the *nomos* in relation to spaciality and statuality, see also Stephen Legg, *Spatiality, Sovereignty and Carl Schmitt*, New York: Routledge, 2011.

vanced by E.H. Carr. Related to this second theme, also a third one can be seen as emerging from the effort to claim recognition for Schmitt's position in the history of the discipline and his relevance in today's debates. From a different perspective, which is not entirely that of intellectual history and genealogy, it nonetheless presents itself as an attempt to engage with Schmitt's ideas in order to promote, through a selection of these ideas, a critique of ideology, and (neo-) liberal ideologies more specifically. Frequently, in authors who are promoting their research in this direction, Schmitt's work becomes increasingly disentangled from the historical context where it was formed, and projected — sometimes arduously — onto current questions of international politics.

The attention given to the work of Carl Schmitt, particularly in the English speaking international academia, has been developing first of all, and particularly in the US, as the consequence of genealogical studies on realism, and of Morgenthau's realism in particular. This has led a number of scholars to investigate the reciprocal relations between the two, and to evaluate the role played by Schmitt in the construction of the classical realist position. The relation between German conservatism and American realism has been underscored in a still significant study by Alfons Sollner[89] from the American viewpoint, and by Morgenthau's biographer Christoph Frei from the perspective of German intellectual history.[90] Another interesting study by Hans-Karl Pichler has highlighted the relations between Max Weber, Schmitt and Morgenthau from the angle of their social methodology, whereby Morgenthau's ideas of objectivity in social sciences are explained through the reception of Schmitt, and where grasping Schmitt's influence on Morgenthau may clarify "why and how Morgenthau, in *Politics among Nations*, throws the Weberian limitations on the objectivity of the social sciences overboard and indulges in absolute statements." Pichler has argued that "Morgenthau's solution to the value-determinacy of social science lies in his conception of politics as a realm of perpetual conflict and struggle for power and domination," and namely in his inter-

[89] Alfons Sollner, "*German Conservatism in America: Morgenthau's Political Realism*", in *Telos*, 72, pages 167–172, 1987.

[90] Christoph Frei, *Hans Morgenthau. Eine intellektuelle Biographie*, Bern: St.Gallen Studien zur Politikwissenschaft, 1994. (English translation: *An Intellectual Biography*, Baton Rouge: Louisiana State University Press, 2001).

pretation of international politics as determined by the supremely "valued end, i.e., the national interest, pursued by all state-leaders", which becomes at the bottom line national self-preservation. The identification of the national interest and self-preservation in its minimal form as the constituent element of international politics, according to Pichler, "allows Morgenthau to overcome the dilemma of the value determinacy of social science, analyse international politics 'objectively' in the abstract and draw universal patterns from it", thus establishing a link with the Weberian methodology, although crucially "Morgenthau's ideas on the nature of politics and 'the Political' [...] were informed by the German political thinker Carl Schmitt".[91]

More recently a series of publications have clustered around this point, focusing in particular on the famous "Six Principles of Political Realism" of Morgenthau's *Politics among Nations*[92] and their relation to Schmitt's friend-enemy dialectic as articulated in his *The Concept of the Political*, a thesis present in Michael Williams's two pieces of work on the topic[93] and further developed by Alexander Akbik.[94] The latter even tries to demonstrate that Schmitt produced his dialectical analysis from refining of Morgenthau's doctoral thesis, although the prevailing opinion remains that "Morgenthau's thinking clearly bears the marks of his engagement with Schmitt. [...] his understanding of politics as undetermined realm of pure will reflects a similar position (and Nietzschean-Weberian heritage) on the specificity of politics, and he shares the view that the essence of sovereignty lies in the capacity for decision."

The analysis of the Schmitt-Morgenthau relationship apparently leads to the idea that "Schmitt's concept of the political provides a key position against which

[91] Hans-Karl Pichler, "*The Godfathers of Truth: Max Weber and Carl Schmitt in Morgenthau's Theory of Power Politics*" in *Review of International Studies*, 24 (2), pages 185–200, 1998.
[92] Hans Morgenthau, *Politics among Nations. The Struggle for Power and Peace*. sixth edition, Boston, Massachusetts: McGraw-Hill, 1993.
[93] Michael Williams, "*Why Ideas matter in International Relations: Hans Morgenthau, Classical Realism and the Moral Construction of Power Politics*" in *International Organization*, 58, pages 633- 665, 2004.
[94] Alexander Akbik, *Carl Schmitt's Influence on Hans Morgenthau's early Writings*, paper presented at the European Consortium for Political Research Conference (ECPR), Dublin 2010.

Morgenthau's understanding of a limited politics emerges".[95] Williams would repeat this position in his *Realism Reconsidered*.[96]

William Scheuerman has dedicated extensive work to Schmitt's intellectual role, and also to his relations with Morgenthau,[97] which he summarises as both authors converging on a certain pessimistic view of human nature: "[t]he young Morgenthau [...] was fascinated by Schmitt's 'concept of the political', which he deemed a provocative but ultimately inadequate starting point for understanding political conflict." Scheuerman is therefore not convinced by the narrative of a strong genealogical lineage between the two, although he is ready to admit the existence of important areas of overlap, as "both authors opt to ground their rather sober and arguably bleak visions of political life in pessimistic versions of philosophical anthropology", which eventually prompt them, although in different fashions "to describe many familiar features of contemporary international politics as based in human nature and probably immune to reform".[98]

From a more legal, and less philosophical, perspective comes the work of Martti Koskenniemi[99] who argues that Schmitt's view of law as a domain of political struggle influenced Morgenthau's international realism by drastically reducing his confidence in the power of law, and of international law in particular. Also on the value of international law in Morgenthau and Schmitt is a study by Chris Brown,[100] in which he identifies some common features such as the "bracketing" of war, characteristic of the *jus Publicum Europaeum*, as the most effective basis for restraining on the use of force, and the idea that, in the current international order, these restraints have been undermined. But the difference between the two

[95] Michael Williams, *op. cit.*, page 648.
[96] Michael Williams, *Realism Reconsidered. The Legacy of Hans J. Morgenthau in International Relations*, Oxford: Oxford University Press, 2007.
[97] William Scheuerman, *Carl Schmitt. The End of Law*, Oxford: Rowman and Littlefield Publishers, 1999, pages 225–251.
[98] William Scheuerman, "*Realism and the Left. The Case of Hans J. Morgenthau*", in *Review of International Studies*, 34, pages 29–51.
[99] Martti Koskenniemi, *The Gentle Civilizer of Nations. The Rise and Fall of International Law 1870–1960*, Cambridge: Cambridge University Press, 2001.
[100] Chris Brown, "*The Twilight of International Morality. Hans J. Morgenthau, Carl Schmitt and the End of the Jus Publicum Europaeum*", in Michael C. Williams (ed.), *Realism Reconsidered: the Legacy of Hans Morgenthau in International Relations*, Oxford: Oxford University Press, 2007.

emerges in the interpretation of the historical events that lead to the demise of that legal world order. In Brown's reading, Schmitt produced the narrative that the jus publicum Europaeum was caused by the universalism and liberalism of a new international law associated with the US and, to a lesser extent, Britain; Morgenthau saw instead this historical change as the product of the combination of universalism and nationalism, which has been crucial in challenging the universal ethics of the old order.

Independently from his relation to Morgenthau and the theorisation of realism in international studies, other IR scholars have been investigating Schmitt's work in an attempt to find elements useful in the construction of new critical perspectives, especially relying on the anti-liberal polemical potential in this author. This strand of the revival of Schmitt within IR studies can be correctly understood only within the broader framework of the relation between Schmitt and the English speaking academic world of political theorists. In that context, it is possible to recognize a distinctive rise in the interest in Schmitt starting from George Schwab's work on the concept of exception published in 1970,[101] followed much later by more general studies by Joseph W. Bendersky (1983)[102] and Paul Gottfried (1990).[103] This group of works, despite their great exegetic value, have been subjected to harsh criticism for their allegedly inadequate way of dealing with Schmitt's anti-liberal-democratic sentiments, not to mention his implication with the National-Socialist regime, as lamented Stephen Holmes,[104] William Scheuerman,[105] and Dirk Blasius.[106]

A counter-argument has been formulated both in the direction of a historical contextualisation of Schmitt's work and an evaluation of his real commitment to the NSDAP and its policies. Particularly Paul Gottfried has spent considerable

[101] George Schwab, *The challenge of the Exception : an Introduction to the Political Ideas of Carl Schmitt between 1921 and 1936*, Berlin: Duncker & Humblot, 1970.
[102] Josef W. Bendersky, Carl Schmitt, *Theorist for the Reich*, Princeton: Princeton University Press, 1983.
[103] Paul Gottfried, *Thinkers of Our Time: Carl Schmitt*, London : Claridge Press, 1990.
[104] Stephen Holmes, *The Anatomy of Antiliberalism*, Cambridge (MA): Harvard University Press, 1993.
[105] William Scheuerman, *Carl Schmitt. The End of Law*, Lanham & Oxford: Rowman & Littlefield Publishers, 1999.
[106] Dirk Blasius, *Carl Schmitt: Preussischer Staatsrat in Hitlers Reich*, Göttingen: Vandenhoeck und Ruprecht, 2001.

effort in trying to disentangle Schmitt the thinker from the complex biographical picture of his life, especially concerning the period 1933–1945. After the end of the Second World War, Schmitt defended his actions by portraying himself largely as a victim of circumstances, as Benito Cereno or Epimetheus. For Gottfried, "both comparisons were defective", as he was "neither a pure victim of historical circumstances nor someone who had plunged into a disaster entirely of his own making." A mixed judgement emerges therefore, whereby, considering the historical environment in which Schmitt lived, he "displayed poor judgement in dealing with a vicious tyranny. On the other hand, he had neither bought on that tyranny nor been able to convince its leaders of his political compatibility". As successively pointed out by a number of biographers, there are two periods to be considered in Schmitt's engagement with the National Socialist dictatorship. The first, between 1933 and 1936, in which Schmitt perhaps cultivated the idea that it would have been possible, for the intellectuals, to exert some sort of restrain and guidance on the regime from within, and the second, after 1936, when he "pursued tactics of survival, however differently they may have been viewed outside of Germany", after he was publicly attacked by the ss. In sum, Gottfried's point is that the study of Schmitt's work should focus on his uttering of "grim truths that democratic idealists [of Weimar] chose to ignore", and consequently on a more contextualised reading of this author. Gottfried portrays Schmitt as a "Teutonic Cassandra", who was "scorned as a moral cynic" because he highlighted how "appeals to violence were inherent in the quest for a universal state", and whose "demystification of politics in the twentieth century earned much animosity and little gratitude". Finally, the branding of Schmitt as a "moral relativist" as a consequence of "his conception that political ideas are necessarily polemical weapons" can be refuted by the realist consideration that "men do not live in the Garden of Eden" and, continuing with this theologically charged biblical metaphor, that the pretence of the contrary "ignores the empirical evidence of Original Sin and makes the world a more dangerous place."[107]

Diverging from a rather unproductive direct clash between apologists and detractors, the debate has fortunately assumed different tones, with a series of stud-

[107] Gottfried, *Carl Schmitt*, page 46.

ies which, despite their broader condemnation of Schmitt's positions, have tried new interpretations of his work, something found especially in the contributions of John McCormick,[108] David Dyzenhaus[109] and Renato Cristi.[110] These three interpretations of Schmitt's work point to different directions: McCormick sees his critique of liberalism as an all-out attack against modernity in its technological dimension, thus giving to Schmitt a very Nietzschean connotation. Dyzenhaus focuses instead on the relations between Schmitt's anti-liberalism and his problematic conception of the law and legal order, appreciating his intellectual sophistication but remaining polemical against his overall intellectual and political intentions. Cristi puts forward the rather fascinating idea that Schmitt could be seen as the representative of a new strand of liberalism, namely of authoritarian liberalism, whose main polemical target was therefore not liberalism, but democracy.

Schmitt's attacks on liberalism have clearly attracted the attention of radical critique because of a common enmity towards liberalism, although from the opposite political direction. Chantal Mouffe observes that "a confrontation with his thought will allow us to acknowledge, [...] an important paradox inscribed in the very nature of liberal democracy".[111] The paradox develops through the assumption, first of all, that democracy and liberalism are two different things. If we accept Schmitt's claim that democracy presupposes unity, and that it consists in the identity between the rulers and the ruled (the *demos* or *Volk*), then we need a criterion in order to determine who is supposed to be part of that *demos,* as "[w]ithout any criterion to determine who are the bearers of democratic rights, the will of the people could never take shape".[112] Mouffe aims at establishing a reading of Schmitt, or better at extracting some elements of his work, which may constitute a theoretical platform to enforce the idea that "the identity of a democratic political community hinges on the possibility of drawing a frontier between 'us' and 'them' [...]". In doing

[108] John P. McCormick, *Carl Schmitt's Critique of Liberalism. Against Politics as Technology*, Cambridge: Cambridge University Press, 1997.
[109] David Dyzenhaus (ed.), *Law as Politics. Carl Schmitt's Critique of Liberalism*, Durham: Duke University Press, 1998.
[110] Renato Cristi, *Carl Schmitt and Authoritarian Liberalism: Strong State, Free Economy*, Cardiff: University of Wales Press, 1998.
[111] Chantal Mouffe (ed.), *The Challenge of Carl Schmitt*, London: Verso, 1999, page 38.
[112] Mouffe, *ibidem*, page 42.

so, she builds her theoretical project on the axiom that "democracy always entails relations of inclusion-exclusion".[113] The paradox of liberal democracy is then revealed, in her view, as the impossibility of establishing a rational consensus without exclusion. Mouffe insists therefore on the identity of the *demos* and its definition as the crucial instance in politics, one which cannot be completely exhausted with the establishment of constitutional foundations, but which is a process that must remain at least partially and potentially open to continuous redefinition. Indeed, the articulation of the demos is not something that involves the accommodation of all interests: it develops instead as a hegemonic project: "once the identity of the people — or rather its multiple possible identities — is envisaged on the mode of a political articulation, it is important to stress that if it is to be a real political articulation, not merely the acknowledgement of empirical differences, such an identity of the people must be seen as the result of the political process of hegemonic articulation." In Mouffe's view of radical democracy, "[d]emocratic politics does not consist in the moment when a fully constituted people exercises its rule", [but] rather in "[t]he moment of rule", which "is indissociable from the very struggle about the definition of the people, about the constitution of its identity". This identity however is not and should not be static and monolithic, and it should constantly find itself in a process of re-construction, as it "can never be fully constituted, and it can exist only through multiple and competing forms of identifications".[114]

Following a seminal study by Ellen Kennedy,[115] Andreas Kalyvas[116] has further expanded the project of the inclusion of some Schmittian elements in a radical theory of democracy, this time focusing on the critique of liberalism as liberal constitutionalism and the liberal theory of law. His work, although massively concentrating on the reconstruction of Schmitt's thought and in that sense less creative than that of Mouffe, represents in any case an important contribution for the understanding of the complex relations between democracy, *pouvoir constituant* and sovereignty, thus building a valuable conceptual linkage towards the topic of

[113] Mouffe, *ibidem*, page 43.
[114] Mouffe, *ibidem*, page 51.
[115] Ellen Kennedy, *Constitutional Failure: Carl Schmitt in Weimar*, Durham: Duke University Press, 2004.
[116] Andreas Kalyvas, *Democracy and the Politics of the Extraordinary. Max Weber, Carl Schmitt and Hannah Arendt*, Cambridge: Cambridge University Press, 2008.

exception and the interpretive work of Giorgio Agamben, which will be briefly introduced below. Kalyvas[117] has therefore contributed to paving the way for a new approach to this author, which essentially complements Mouffe's earlier political reading through an attempt to establish a sophisticated historical and theoretically rich reflection on the possibilities of radical democracy. Kalyvas has rejected "the adversarial logic of pure refutation and confrontation", and the "unwillingness to take Schmitt's engagement with democratic theory seriously",[118] while trying to "argue that Schmitt's attempt to recover and reconstruct the concept of the constituting power of the sovereign will as the source of a self-instituted political community can have major ramifications for contemporary democratic theory".[119] His intentions are directed towards the re-appreciation of "Schmitt's rescue of the category of constituent power from oblivion", which forms the object of a reflection about the foundations of the political community, by "provid[ing] us with the necessary theoretical resources for a fresh reconstruction of the emancipatory content of radical democracy." Kalyvas intends to overcome the lack of a theory of law in the context of theories of radical democracy, and argues for the usefulness of Schmitt within this project. The argument for this is that "one attributes the historical failure of radical models of democracy to, among other things, the absence of a systematic reflection on institutions, rules and norms, an absence that permitted liberalism to monopolize the field of modern legal and constitutional theory, then Schmitt's work can form the starting point for rethinking issues bearing on the relationship between law and democracy".[120]

Giorgio Agamben[121] has drawn largely from Schmitt's conception of politics, taking as a starting point the suspension of the Weimar constitution that characterised the whole legal life of the Third *Reich*, and thus re-formulates the Schmittian exception as the possibility for the state (or better the political power or sovereign) to suspend the law, and to manage the political situation in a grey zone between

[117] Andreas Kalyvas, "*Who is afraid of Carl Schmitt?*", in *Philosophy and Social Criticism*, Volume 25/5, pages 87–125, 1999.
[118] Kalyvas, *Who is afraid of Carl Schmitt?*, page 110.
[119] Kalyvas, *ibidem*, page 110.
[120] Kalyvas, *ibidem*, page 111.
[121] Giorgio Agamben, *State of Exception*, Translated by Kevin Attell, Chicago: University of Chicago Press, 2005.

the law and the absence of law. Agamben has concentrated his analysis particularly on the Bush administration and on the suspension of normal legal regimes in the face of the global War on Terror, thus anticipating a theme which will be developed further by IR academics more recently. In doing so, he has expanded his analysis with the inclusion of biopolitics and therefore integrating a Foucaultian element in his analysis. Although inspired by Schmitt, Agamben's exception has been criticised as being a distinct theoretical formulation by Jef Huysmans, who has argued how "[t]he Schmittian idiom works largely within a legal-constitutional framing of politics and arranges political stakes and dynamics through a specter of dictatorship." The Schmittian system of thought in Huysmans's reconstruction revolves around "a dialectic between law and politics", the "sovereign guarding the dialectic by deciding on legal transgressions as well as on conditions in which the institutionalized normative processes have become inoperable" (thus triggering the process of the establishment of a new constitutional order), "the structuration of a politics of fear by making enemy/friend distinctions the organizing principle of politics" and finally "the erasure of the »people« as a political multiplicity by a conception of nationalist politics that amalgamates the people into a unity produced by the leadership". Agamben's conceptualisation of the state of exception instead "works with the total collapse of the dialectic between anomie and law and a biopolitical conception that organizes political stakes and dynamics through a specter of life." This conception rests on the the exception becoming "the rule, as there is no relation between law and anomie, law and politics—both exist in completely separate spheres". Within this picture, "life is no longer mediated by objective forms such as law and becomes naked biological being," therefore prompting biopolitical power to act "directly upon naked life with no legal or other mediation". Finally, Agamben's use of the Foucaultian idea of "naked, anomic life displaces societal categories of life, such as class, legally mediated interests, and property relations, turning biopolitics into a struggle between the direct enactment of power upon this life and the anomic excesses of life that "resist" the sovereign biopolitical governance".[122] Despite this accurate set of criticisms, Agamben's work can be seen as

[122] Jef Huysmans, "*The Jargon of Exception — On Schmitt, Agamben and the Absence of Political Society*", in *International Political Sociology*, 2, 2008, pages 165–183, page 180.

a major contribution in the field of political theory, and one which has attracted further attention to Schmitt's work: particularly from an international perspective, not to mention the strand of biopolitical international studies with a "Schmittian" tone .[123]

In the context of scientific literature produced by IR scholars, the attention given to Schmitt has risen, arguably, as a consequence of debates taking place within other disciplines, primarily in legal studies and political theory. The main focus of this renewed interest in Schmitt has been *The Nomos of the Earth*, but an awareness that a more comprehensive reading of Schmitt's work is necessary has been gaining momentum, partially as a response to methodological and historical issues. This trend should ideally achieved an established reading within the discipline not only of the *Nomos*, but of a whole Schmittian "international thought", one which "lies at the intersection of international relations [sic], international law and international history, while drawing at the same time on philosophy and political and legal theory".[124]

Odysseos and Petito have been particularly active in trying to link the debate on Schmitt's work in international law and political theory to the current issues of international politics, and specifically around US interventionist policies. The leading idea has been that the world finds itself after the 9/11 terrorist attacks in an "international state of exception" and it is consequently now necessary to find a new *nomos*, a new principle of international order, to be established in order to end the exception. As has been shown, this idea appears to be inspired by the work on the state of exception as formulated by Agamben. Odysseos and Petito's edited volume

[123] Cf. Jef Huysmans, "*International Politics of Insecurity: Normativity, Inwardness and the Exception*", Security Dialogue, 37/1, 2006, pages 11–29; Naoki Sakai and Jon Solomon (eds.), *Translation, Biopolitics, Colonial Difference*, Aberdeen and Hong Kong: Hong Kong Univesity Press, 2006; Aihwa Ong, *Neoliberalism as Exception*, Durham: Duke University Press, 2006; Julian Reid, *The Biopolitics of War on Terror: Life Struggles, Liberal Modernity and the Defence of Logistical Societies*, Manchester: Manchester University Press, 2006; Deborah Cowen and Emily Gilbert (eds.) *War, Citizens and Territory*, New York: Routledge, 2008; Charles Barbour and George Pavlich (eds.) *After Sovereignty. On the Question of Political Beginnings*, London and New York: Routledge, 2010; Andrew W. Neal, Exceptionalism and the Politics of Counter- Terrorism, London and New York: Routledge, 2010.

[124] Louiza Odysseos and Fabio Petito, "*Introducing the International Theory of Carl Schmitt: International Law, International Relations, and the Present Global Predictament(s)*", in *Leiden Journal of International Law*, 19, pages 1–7, 2006.

The International Political Thought of Carl Schmitt (2007)[125] is one of the authoritative references in this area and contains a variety of positions that cover all issues in which Schmitt's work is or should be taken into consideration: the meaning of sovereignty and spheres of influence in today's unipolar/multipolar world,[126] humanized war and international intervention,[127] partisans, terrorist and global war on terrorism.[128] Most of the contributions in Odysseos and Petitos's book, as well as Douglas Bulloch's thesis,[129] substantially promote as their main goal the inclusion of Schmitt in the canon of IR literature, by showing, in an exegetical fashion, the relevance of his reflection for this discipline, particularly when it is possible to draw parallels with Morgenthau and Burnham,[130] or in the case of Schmitt's critique of the Just War tradition.[131] Even Chris Brown, despite his extremely critical and unsympathetic approach to Schmitt, ultimately admits the importance of *The Nomos of the Earth* and its unrecognised status within the canon of IR literature. He namely argues that although "Schmitt's normative position is impossible to sympathize with...the clarity with which he develops his argument is admirable, as is his recognition of the changes in world order that took place in the seventeenth and again in the twentieth centuries." Furthermore, Brown praises the way "[h]e presents an account of the European states-system[,] which is rather more compelling than the version of international society associated with English School writers [Butterfield, Wight, Bull], or with the much less clearly defined a-historical world of modern neo- realist theorists [Waltz, Baldwin]." Brown's conclusion is

[125] Louiza Odysseos and Fabio Petito (eds.), *The International Thought of Carl Schmitt. Terror, Liberal War and the Crisis of Global Order*. London and New York: Routledge, 2007.
[126] Cf. Alessandro Colombo, "*The »Realist Institutionalism« of Carl Schmitt*", Chantal Mouffe, "*Carl Schmitt's Warning on the Dangers of a Unipolar World*", Danilo Zolo "*The Re-Emerging Notion of Empire and the Influence of Carl Schmitt's Thought*" in Odysseos and Petito, *ibidem*.
[127] Chris Brown, "*From Humanized War to Humanitarian Intervention: Carl Schmitt's Critique of the Just War Tradition*" in Odysseos and Petito, *ibidem*.
[128] Alain De Benoist, "*Global Terrorism and the State of Permanent Exception: the Significance of Carl Schmitt's Thought Today*"; Gary Ulmen, "*Partisan Warfare, Terrorism and the Problem of a New Nomos of the Earth*" in Odysseos and Petito, *ibidem*.
[129] Douglas Bulloch, *Carl Schmitt. A Conceptual Exegesis and Critique of IR Theory*. PhD Dissertation, International Relations Department, The London School of Economics and Political Science, London, 2009.
[130] Mika Luomaaho, "*Geopolitics and Grosspolitics. From Carl Schmitt to E.H. Carr and James Burnham*", in Odysseos and Petito, *op. cit.*
[131] Chris Brown, "*The Twilight of International Morality. Hans J. Morgenthau, Carl Schmitt and the End of the Jus Publicum Europaeum*", in Michael C. Williams (ed.), *Realism Reconsidered: the Legacy of Hans Morgenthau in International Relations*, Oxford: Oxford University Press, 2007.

therefore ultimately that "[t]he Nomos of the Earth is a book that should be on the reading list of any international relations theorist".[132]

David Chandler[133] has been of the opposite opinion, pointing out the contradictory ways in which Schmitt has been re-appropriated by critical theorists, from Mouffe to Odysseos and Petito. His critique of this appropriation starts from the alleged "superficiality of the readings of Schmitt within much of critical IR", which would "suggest that the grounds for the revival of interest in Schmitt's work should be sought not so much in his analytical strengths as in the analytical weaknesses of those who seek to use him." The revival of Schmitt is described by Chandler as a manoeuvre to escape the limitedness of certain strands of critical theories, "to evade confronting the difficulties of those who seek to ground their radical claims either in ethical universals or in their deconstruction." He further explains that these critical theorists have failed to capture "Schmitt's ontology of the relations between sovereign power, the use of force and international legal order has been pushed aside." Consequently, Schmitt "cannot provide a refuge for today's critical theorists." The fact that Schmitt is being used in critical theory without significant engagement with the analytical content of his work represents for Chandler an ominous sign that critical theorists, in doing so, "highlight the exhaustion of their own critical perspectives and the fact that even a political and legal theorist explicitly hostile to an emancipatory perspective has more to offer than they do themselves".[134]

Odysseos and Petito[135] have replied to these criticisms by charging Chandler with a "reductionist, anti-juridical (and, therefore, hyper-realist) reading of Schmitt".

However, what is noteworthy in this debate is the way in which it clearly shows the relative immaturity of the topic of "Carl Schmitt" in current IR studies, particularly when it comes to the reading of *The Nomos of the Earth*, or of *The Concept*

[132] Chris Brown, *ibidem*, page 67.
[133] David Chandler, "*The Revival of Carl Schmitt in International Relations: The Last Refuge of Critical Theorists?*", in *Millennium: Journal of International Studies*, Vol. 37, No.1, pages 27–48, 2008.
[134] Chandler, *ibidem*, pages 47–48.
[135] Louisa Odysseos and Fabio Petito, "*Vagaries of Interpretation: A Rejoinder to David Chandler's Reductionist Reading of Carl Schmitt*", in *Millennium: Journal of International Studies*, Vol. 37, No. 2, 2009, pages 463–475.

of the Political, and even more when an overarching systematisation of Schmitt's thought is attempted. It may be true that Odysseos and Petito's approach to Schmitt can be charged with methodological fallacy but there is nevertheless little doubt that their pioneering work, and Schmitt's international thought in general, has been so far largely neglected in core IR studies. Their contribution forms in any case a valuable starting point, even as an object of critique.

William Hooker[136] has published a remarkably detailed work about Carl Schmitt and International Relations. Hooker acutely observes that the debate about Schmitt and his legacy resemble a contest between those who are interested in this author and "become engaged in a process of exhumation" and those who "try to keep him buried." He identifies two extremes of the debate in the position of those scholars who think of Schmitt as "an arcane and reductive Nazi who has little to offer" and those who recognise the destructiveness of Schmitt but appreciate his seductive and even dangerous potential.[137] Hooker concentrates on a reconstruction of Schmitt's international thought (a term which he always uses in quotations) and focuses on the exploration of Schmitt's "apocalyptic tone", in order to understand whether this may essentially be considered simply as a metaphor, and how it can be explained. For Hooker's strenuous defence of liberal positions, this apocalyptic tone clearly indicates however that "Schmitt regards the global ascendance of liberalism as a catastrophe".[138] While assessing Schmitt's theory of *Großräume*, Hooker is quick to dismiss it as "essentially a fudge",[139] and more generally he accuses Schmitt of not being able to go beyond the crisis of order as an "order of states", working on the theoretical perspective of order *per se*, and hence on a way to reconstruct an order despite the crisis of the state.[140] He is also extremely dismissive of those readings of Schmitt which point to the link between his work and the theological understanding of political theories, for instance Heinrich Meier's

[136] William Hooker, *Carl Schmitt's International Thought: Order and Orientation*, Cambridge: Cambridge University Press, 2009.
[137] Hooker, *ibidem*, page 2.
[138] Hooker, *ibidem*, page 4.
[139] Hooker, *ibidem*, page 200.
[140] Hooker, *ibidem*, page 195.

book *The Lesson of Carl Schmitt*.[141] So "whilst most readers will admit to there being great validity in a religious reading of Schmitt...for political readers, religion in Schmitt is an embarrassing sideshow somehow to be ignored, explained away, or conceded to obscure German-speaking theologians to debate".[142] The apocalyptic tone of Schmitt seems to be explicable therefore, in Hooker's view, only as the projection of extreme personality traits, extravagance or perhaps neurosis. Very little is left to be appreciated from the perspective of today's reader of Schmitt, let alone for the political theorist. Schmitt's *The Concept of the Political* is reduced to "*the one normative prescription*", namely "*that life should be serious*".[143] Hooker considers that *The Concept of the Political* leaves an open answer to the question: "why should we value the *seriousness* of a specifically political life, when the alternative is a peaceful world of fun and entertainment?"[144] Hooker believes that Schmitt tried to answer this question precisely through the extravagant use of religious and theologically informed ideas on history and politics.

Hooker's book is therefore extremely dismissive of Schmitt's relevance to today's political thought, and perhaps even more so to the IR theorist, although in many respects it can be considered a rather problematic study of the relevance of Schmitt, bordering on teratology.

Hooker's study relies on a stratification of studies about Schmitt's work, particularly concerning his possible relation with IR theory, which overwhelmingly concentrate on the problem of full admittance or full rejection of the author into the list of the legitimate sources for the discipline. A similar phenomenon has been taking place in the domain of general political theory. So, while the contest between different readings of Schmitt has concentrated largely on biographical aspects and the implications of reading his work in relation to possible legitimation instances of authoritarianism, a rather de-contextualised use of Schmitt has arisen.[145] Apart

[141] Hans Meier, *The Lesson of Carl Schmitt: Four Chapters on the Distinction between Political Theology and Political Philosophy*, Chicago and London: University of Chicago Press, 1998.
[142] Hooker, *ibidem*, page 195–196.
[143] Hooker, *ibidem*, page 197. Emphasis in the original.
[144] Hooker, *ibidem*, page 197.
[145] A very interesting contribution on the various readings of Schmitt is still Paul Piccone and Gary Ulmen, "*Uses and Abuses of Carl Schmitt*", in *Telos*, 122, 2002, pages 3–32.

from the above mentioned historical literature focused on the relations between Schmitt and Morgenthau, other readings, with perhaps the exception of Agamben, seem to consider Schmitt as a contemporary writer, who wrote in an historical context and for audiences who were essentially the same as those of an author working in the late twentieth century, or at the beginning of the twenty-first. Radical authors working in the direction of the recovery of the Schmittian friend/enemy dialectic for the sake of a critique of liberal ideologies, are not of course conducting any operation which may be considered fully illegitimate. After all the critique of liberalism, the friend/enemy dialectic and the definition of an organic *Volk* are central, recurring themes in Schmitt's work, as previously shown in the first part of the present chapter. In addition, Odysseos and Petito's interest in Schmitt, which concentrates on the state of exception projected at the level of the international, with the idea of a new *nomos*, are of course using central concepts of Schmitt's thought in the domain of international politics. Nevertheless, what is missing from these readings of Schmitt is that Schmitt's work requires a constant effort of contextualisation, which in the current readings of Schmitt is still too limited. Firstly, as previously shown, Schmitt should always be seen as a jurist writing about subjects which are relevant to the elaboration of legal concepts. This applies particularly to *The Nomos of the Earth* and more generally to Schmitt's studies of international order, from his early attacks against Versailles to the *Theory of the Partisan*, where the goal of Schmitt's reflection is a better formulation of legal concepts and the reconstruction of their historical evolution. Secondly, Schmitt's work has to be read as a legal-theoretical effort in the context of the ongoing struggle between legal positivism and the reaction to it, which in the case of Schmitt, following the *Freirechtsbewegung* and the early sociology of law drafted by Eugen Ehrlich, has developed as a peculiar sociological and historical understanding of the concepts which inform the legal system, particularly at the deepest levels of constitutional foundations. Schmitt is a political theorist only to the extent to which his work tries to capture the sociological essence of the political as a collective and historical phenomenon. The clarification of the concept of the political serves the purpose of establishing the premises for a theory of law which should not be based, as in Kelsen's *reine Rechtslehre*, on the evaluation of the positive norm as a *datum*, but must possess an independent

understanding of the circumstances which make the legal phenomenon possible, and which actually give birth to the law and the state. In *The Nomos of the Earth*, the same theoretical goal is pursed in the context of the foundation of a legal ordering of the relations between different political communities. In Odysseos and Petito's transposition of Schmitt into the post 9/11 context of international politics, this dimension remains largely out of the scope of their investigation, where *nomos* seems to indicate purely and simply any possible overall re-arrangement of international legal order and does not take into account the crucially important question of the division and distribution of land, i.e. the material, geographic division of the planet, which is the pillar of Schmitt's understanding of international law as *nomos*. The question is of course not therefore whether Schmitt is right in considering any legal ordering of international politics to presuppose a division of land and the hierarchical organisation of countries and peoples (and therefore the question of what kind of land division may produce a suitable order for today's world); more important is to understand that Schmitt was writing in a context (the late 1940s) in which those questions were still largely plausible, and secondly and most importantly, that the *nomos* Schmitt is thinking about is the order of the world as a world of states (i.e. necessarily terrestrial entities),the crisis of the state opening up the question of a new *nomos*. Understanding Schmitt means therefore necessarily to deal with his conceptualisation of the state, and its crisis in relation to the impact that this may have on the international sphere. Schmitt's theoretical effort is always primarily directed towards an understanding of order as issuing from the state, and of disorder as issuing from its disintegration, and only secondarily as an international order, which derives from those existentially meaningful facts that create the political community, the law and, in the modern context, the state.

Hooker's work is peculiar in that it is capable of correctly identifying many important traits of Schmitt's work, but it appears incapable of going beyond the question of whether we may simply be able to transpose Schmitt's theory into the twenty-first century, which is of course both anti-historical and anachronistic. There is definitely something correct in Hooker's identification of Schmitt's core message of "life being serious", but this only superficially captures its essentials..

Schmitt is indeed envisaging a sociological theory of existential themes, which he articulates in a theological language, precisely the language which Hooker refuses to take into consideration as the main interpretative tool for reading Schmitt, the quasi-neurotic element which is better left to the obscure discussion of German speaking theologians.

Schmitt's theory of order is in reality precisely the development of his exploration of existential themes, of course in the sense of collective existence (i.e. political), which assumes the vocabulary of religious themes because it is in this language, Schmitt thinks (as will be illustrated, in continuation with Weber's reflection on religion), that a sociological analysis of the *pragmata* inherent to the creation of political order can be more accurately described. Essentially Schmitt is the author of a sociology applied to the origin of the state and of law, which assumes the language of a political theology. The core of his political theory lies consequently between a sociology of religion and of modernity (and therefore of the state) and a sociological theory of law. Unfortunately, this dimension is still largely missing in most of the current readings of Schmitt, which focus on aspects of this thought which, however important, may not lead to the full appreciation of this author and his possible contribution to theoretical IR and political theory.

2.5 SCHMITT'S POLITICAL THEOLOGY/ CONCLUDING REMARKS

Schmitt's theoretical work when considered under the perspective of the problem of order, as it has been shown above, concentrates on the idea of the state and its crisis, and the implications which this has for international politics. The order which Schmitt saw in the *jus publicum Europaeum* was based on the state, and consequently the elements upon which the existence of the state is based are the pillars of the international order as it existed before the crisis. The erosion of those elements — in the logic of Schmitt's argument — leads to the crisis of both the state and the international order, while there is apparently no new order which may replace the old one. Schmitt's explanation of the international order as international

law in a world of states, as it has been described, is constantly intertwined with theological images, particularly with regard to the concept of *katechon*. The *katechon* is nevertheless not simply a metaphor or a literary device which Schmitt uses in order to embellish his argument with Biblical references, not — or not only — the expression of a devout spirit. It fits indeed into the larger picture of the parallel between legal and theological thought, which Schmitt developed into a full political theology at the core of his thought, possibly the highest achievement of his theoretical mind. Again, as will be further discussed in this and the following chapters, Schmitt's political theology has to be situated within the context of the audience Schmitt was referring to in the 1920s, when his political theological argument was first formulated in the context of analogous efforts to attack legal positivism, in an attempt to clarify the sociological foundations of the state and law, and thus save them from their ongoing degeneration.

Ironically, the idea of a parallel between legal and theological thought is largely owed to the early work of Hans Kelsen, the key representative of legal positivism in the twentieth century and Schmitt's intellectual adversary, who in his work *Gott und Staat* (God and the state), drew a series of parallels between legal and theological thinking.[146] Kelsen starts his investigation with a psychoanalytical reflection about the relation between the child and the father as explained by Sigmund Freud. It is indeed the father who "intrudes as a giant (*Riese*), as an overwhelming power (*Gewalt*) into the soul of the child, and becomes for the child the authority (*Autorität*) *par excellence*".[147] Consequently, every authority will then be experienced as the paternal one, especially the relation with God, and from here Kelsen develops his parallel between the relation between God and the human, and the relation between the state and the individual, i.e. religion on the one hand, and the legal system on the other. The parallel is reinforced by Kelsen's conception of religion as a "social ideology". Historically, this ideology "is originally identical with that social ideology, which can be indicated in the broadest sense as the state; at this

[146] Hans Kelsen, "*Gott und Staat*" originally published in *Logos: Internationale Zeitschrift für Philosophie der Kultur*, Volume 11, 1922–1923, pages 261–284, also available in *Aufsätze zur Ideologiekritik*, Neuwied am Rhein and Berlin: Luchterhand Verlag, 1964, pages 29–55.
[147] Kelsen, *Gott und Staat*, page 34.

stage of the evolution the notions of God and state coincide: the national god is simply the divinised nation through personification".[148] But the idea of God, in Kelsen's view, is also a "personification of the order of the world" (*Personifikation der Weltordnung*).[149] The modern state as well is "in its essence conceptualised as a person and it is as such the personification of an order: the legal order".[150] Here Kelsen highlights the paradoxical concept of the relation between God as personification of (natural) order, which on the other hand establishes God as a being which transcends nature (despite nature being the expression of God's will), and the state, which is the personification of legal order (the norms), but on the other hand is also a different thing, transcendent from the legal order as God is from nature (or "the world"). Kelsen recognises therefore that the study of the relations between God and the world is "the proper object of theology".[151] However, Kelsen continues to think of religion as a form of social ideology, in that God as personification of the order of the world, namely as hypostatisation, does get confused within the "more primitive forms of thinking" — with the object itself of the hypostatisation, thereby generating an unnecessary "double". So arises the apparent problem (*Scheinproblem*) of the relation between a certain object (i.e. the order of the world in this case) and its hypostatisation (God).[152] In the domain of legal sciences instead, at least in Kelsen's own formulation of the problem, because this kind of confusion does not arise, as it is clear that the state is identical with the law, and the law with the state, this *Scheinproblem* is not the object of reflection and investigation for the *Rechtswissenschaft*, but exclusively the law in itself, which is constituted by norms.[153] Kelsen here rescues legal science from a complete parallel with theology, which would instead be further developed by Schmitt.

Schmitt's book *Political Theology* was published in 1922 and it can be clearly read as an answer to Kelsen's argument. Schmitt wants to establish a sociological and philosophical argument for the development of a complete parallel between

[148] Kelsen, *ibidem*, page 37.
[149] Kelsen, *ibidem*, page 38.
[150] Kelsen, *ibidem*, page 39.
[151] Kelsen, *ibidem*, page 39.
[152] Kelsen, *ibidem*, page 39.
[153] Kelsen, *ibidem*, page 40.

theology and *Rechtswissenschaft*, an argument which intends to highlight the importance of theological concepts not only for their analogy to legal ones, but actually because of the genealogical link between theology and law. Again, however, the point of contention remains concentrated at the nature of law and its system, as well as the dispute between legal positivism, which Schmitt accused of being a teratological development eroding the state, the *modicum* of order which it did create historically both internally and externally, and the Schmittian sociology of law. While Kelsen has insisted on the complete identification of the state with the law, Schmitt is eager to develop the point that these are indeed two different, albeit interrelated, entities precisely as God, and the world as the expression of God's will. Schmitt attacks in the *Political Theology* the legal positivistic proposition which considers the system of positive law as complete and thus rejects the existence of any gap (*Lücke*) in it. Schmitt argues instead that there cannot be any explanation of the origin of legal order without accepting that that order arises from something which pre-exists the order, and that it is not covered and regulated by the norms which do constitute that order.

The legal order created by the state arises therefore from the very foundational act of creating the state, an existential condition which captures the essence of being sovereign (i.e. sovereignty) as being in a state of exception. Schmitt opens his writing of political theology precisely, and famously, with this line "Sovereign is he who decides on the exception".[154] The exception is the gap in the legal system, the gap which, in the theoretical view of legal positivists, does not exists: "[the] exception, which is not codified in the existing legal order, can at best be characterised as a case of extreme peril, a danger to the existence of the state", although crucially "it cannot be circumscribed factually and made to conform to a preformed law".[155] As the exception cannot be formally predetermined by means of a descriptive norm which regulates its occurrence, the declaration of the state of exception implies a *decision* which happens outside the legal system, although it is legally relevant: here is the gap in the legal system, here is the foundation of the state and its order. The

[154] Carl Schmitt, *Political Theology. Four Chapters on the Concept of Sovereignty*, English translation by Georg Schwab, Cambridge MA: MIT Press, 1985 (originally published in 1922), page 5.
[155] Schmitt, *ibidem*, page 6.

mark of sovereignty is then "the authority to suspend valid law",[156] and the legal order "like any other order, [...] rests on a decision and not on a norm".[157] Schmitt is now ready to make the point that, in the case of exception, it is possible to detect the power of the state, albeit there is no longer a system of norms in operation, which has been suspended. This proves that the state cannot be considered as identical with the legal order.[158] Of course, Schmitt articulates also an explicit attack against Kelsen, by affirming that "Kelsen solved the problem of the concept of sovereignty by negating it",[159] while the problem should be instead that of understanding the content of sovereignty as a decision and as an act of will. Schmitt then offers his version of the parallel between theology and *Rechtswissenschaft*, precisely at the point Kelsen drew the line of incompatibility between the two. Schmitt baldly affirms indeed that "all significant concepts of the modern theory of the state are secularised theological concepts".[160] This link between the two domains can be explained not only in terms of their respective historical development, i.e. "because they were transferred from theology to the theory of the state, whereby [...] the omnipotent God became the omnipotent legislator",[161] but also in terms of structural analogy. Analogical thinking is the key to understanding this transformation from the theological to the legal, a transformation which took place "in the last centuries". The example he gives is that of the concept of the exception, which "is analogous to the miracle (*Wunder*) in theology".[162]

Schmitt's sociology of law as a reflection on the transposition of theological concepts in the legal domain is largely articulated as an enquiry in intellectual history. The emergence of legal positivism as the modern way of thinking about law and the idea of the "modern constitutional state" are a reflection of the triumphing "deism, a theology and metaphysics that banished the miracle from the world". The rejection of the miracle, of any act of God which breaks the rules governing the world established by God himself, forms the background idea for the rejection

[156] Schmitt, *ibidem*, page 9.
[157] Schmitt, *ibidem*, page 10.
[158] Schmitt, *ibidem*, page 12.
[159] Schmitt, *ibidem*, page 21.
[160] Schmitt, *ibidem*, page 36.
[161] Schmitt, *ibidem*, page 36.
[162] Schmitt, *ibidem*, page 36.

of the idea itself of exception, which becomes extended into the domain of politics with the consequent exclusion of "the sovereign's direct intervention in a valid legal order".[163] Schmitt is eager to make clear, however, that this deistic turn in politics was not without its detractors, and it was the task of those theists, "conservative authors of the counterrevolution" (Louis Bonald, Joseph de Maistre, Donoso Cortés) who attempted "to support the personal sovereignty of the monarch ideologically, with the aid of analogies from a theistic theology".[164] After having examined a series of cases in which the state has been explicitly compared to God, and the legal science to theology, Schmitt further develops the idea that the concept of sovereignty can be grasped theoretically only with the suspension of the validity of the established normative order. In this sense, therefore, the "systematic analogy between theological and legal concepts presupposes a consistent and radical ideology", i.e. one which may allow the theorist to go beyond the existing order.[165] The deistic theoretical environment in which legal positivism has arisen, because it does not contemplate the possibility of the exception as the suspension of order, cannot consequently produce a valid understanding of sovereignty. This is very visible, Schmitt argues, in the Kelsenian conception of law: "the distinction between the substance and the practice of law" which constitutes the logical presupposition for the exploration of sovereignty, "cannot be grasped with concepts rooted in the natural sciences", while Kelsen operates precisely in this context.[166] Schmitt wants instead to show how the concept of sovereignty can be grasped solely via a sociology of law, which requires a specific methodological approach. The sociology of law he has in mind does not simply amount to "a spiritualist philosophy of history as opposed to a materialist one".[167] This is the limitation of the authors of counterrevolution, who fought radical materialist philosophy with radical spiritualist philosophy of history. Schmitt's sociology is a "sociology of concepts" which "transcends juridical conceptualisation oriented to immediate practical interest". It is a sociology aiming "at discovering the basic, radically systematic structure and to

[163] Schmitt, *ibidem*, pages 36–37.
[164] Schmitt, *ibidem*, page 37.
[165] Schmitt, *ibidem*, page 42.
[166] Schmitt, *ibidem*, page 42.
[167] Schmitt, *ibidem*, page 42.

compare this conceptual structure with the conceptually represented social structure of a certain epoch".[168]

Contrary to other sociological attempts, particularly Marxist sociology, Schmitt's sociology is not concerned with the question "whether the idealities produced by radical conceptualisation are a reflex of sociological reality" or indeed, on the contrary, "whether social reality is conceived of as the result of a particular kind of thinking and therefore also of acting".[169] In the specific case of the concept of sovereignty, Schmitt makes the point that there is a sociology of sovereignty "when the historical-political status of the monarchy of that epoch is shown to correspond to the general state of consciousness that was characteristic of western Europeans at that time, and when the juristic construction of the historical-political reality can find a concept whose structure is in accord with the structure of metaphysical concepts".[170] Schmitt's sociology is therefore heavily conditioned by the historical reconstruction of concepts (*Begriffsgeschichte*), but this only represents a preparatory work, the first stage in the understanding of sovereignty. This understanding can be reached only by means of a "radical conceptualisation", "a consistent thinking that is pushed back into metaphysics and theology", and is aimed at capturing "the metaphysical image that a definite epoch forges of the world".[171] Through that image, every specific epoch understands immediately whether a certain political organisation is appropriate or not: "the determination of such an identity is the sociology of the concept of sovereignty".[172]

If sociology of law has its goal in the reconstruction of the metaphysical images that a specific epoch has produced so as to conceptualise its order, than that image can be understood and explained only through the same symbolic language in which it was formulated. This language is, in the case of western European culture, the language of political theology, namely analogical description of political concepts through ideas, words and images from the theological. Schmitt can therefore sketch a narrative of the political theology as it developed through moder-

[168] Schmitt, *ibidem*, page 45.
[169] Schmitt, *ibidem*, page 45.
[170] Schmitt, *ibidem*, pages 45–46.
[171] Schmitt, *ibidem*, page 46.
[172] Schmitt, *ibidem*, page 46.

nity, starting from the Cartesian God, the sole architect of the world, who is mirrored by the absolute king as the sole bearer of sovereignty and legislative power.[173] Descartes's conception remained a constant during the seventeenth and eighteenth centuries, as did of course that of Thomas Hobbes,[174] but this image of the architect of the world became increasingly problematic when the idea of disentangling causation (creation) from legislation emerged more prominently. Schmitt explains the apparent disappearance of the idea of God from politics with the progressive advance of "exclusively scientific thinking" within the legal science, whereby "the general validity of a legal prescription has become identified with the lawfulness of nature", which knows no exception. In this image of a world regulated once for all by the great architect, the architect himself becomes pleonastic, as "the machine now runs by itself": God has been successfully pushed aside.[175] With Rousseau another transformation of sovereignty takes place, i.e. its translation into the concept of general will: a quantitative transformation occurs, by which "the decisionistic and personalistic element in the concept of sovereignty was lost".[176] This transformation represents for Schmitt a serious step in undermining the state. The state was created by the singular will of the absolute monarch, but now "the unity that a people represents does not possess this decisionistic character".[177] Rousseau's concept of the general will of the people can be identified as the element of modern theorisation of politics largely responsible for the loss of a clear conceptual link between sovereignty and decision, thus paving the way for the progressive erosion of any space for decisionism against the background of a complete formalistic legalisation of political life and of the state which is, in Schmitt's view, illusionary. However, this turn has also been well represented in a parallel between state theory and theology, as "to the conception of God in the seventeenth and eighteenth centuries belongs the idea of his transcendence vis-à-vis the world", which mirrors the same period's "to the philosophy of states belongs the notion of the sovereign vis-à-vis the state".[178] The following century saw instead an attempt to revive the

[173] Schmitt, *ibidem*, page 47.
[174] Schmitt, *ibidem*, pages 47–48.
[175] Schmitt, *ibidem*, page 48.
[176] Schmitt, *ibidem*, page 48.
[177] Schmitt, *ibidem*, page 49.
[178] Schmitt, *ibidem*, page 49.

idea of a political theology as envisaged by the authors of the Restoration (Louis Bonald, Joseph De Maistre, Donoso Cortés), which was counterbalanced by the radical intellectual projects, which "opposed all existing order", with "their ideological efforts against the belief in God altogether".[179] Schmitt mentions at this juncture Pierre-Joseph Proudhon, Auguste Comte and Mikhail Bakunin as the key figures waging their "battle against traditional religiosity", their aim being that "conceptions of transcendence will no longer be credible to most educated people, who will settle for either a more or less clear immanence-pantheism or a positivist indifference toward any metaphysics".[180] In a specular movement, "the development of the nineteenth-century theory of the state displays two characteristic moments: the elimination of all theistic and transcendental conceptions and the formation of a new concept of legitimacy",[181] which is to be grounded solely on a positivistic understanding of law and the state. The illusion becomes complete with the alleged elimination of the idea of God from politics and the prevalent dogma of the completeness of the law system.

This is the point at which Schmitt's theory of the state and constitutional power can shed light on the problem of order for international politics. International order in an order of states was possible as long as the sacred core of the state was correctly conceptualised as the inherent, actual possibility of decisionism and of friend-enemy dialectic. The crisis of the order of the state emerges precisely when the sense of what a state is supposed to be, which can be traced back to political theology, gets lost, precisely in the process of modernisation: not only as secularisation, but as an occultation of political theological ideas. In Schmitt's political understanding of religion and theology, it is not just the idea of God which is supposed to influence politics, although the conceptualisation itself of God, and the way in which this occurs, is always a political phenomenon. From the perspective of the problem of order, Schmitt is pointing to a path which engages actively with both the evolution of the concept of order as it has been constructed in philosophical discussion (and as illustrated in the previous chapter) and with the question

[179] Schmitt, *ibidem*, page 50.
[180] Schmitt, *ibidem*, page 50.
[181] Schmitt, *ibidem*, page 51.

posed by Rengger in relation to the origin of a possible concept of order for today's IR theory. Rengger is indeed wondering what may be the place of God, nature and history in the foundations of order, as he echoes philosophical discussions about the relevance of order, its foundation, and the *locus* of its formulation. The possible *ante litteram* answer suggested by Schmitt is that political order always entails a sacred nucleus the description of which in sociological terms cannot proceed along the lines of an exclusively rational-scientific discourse, although it can be performed by assuming the forms of theological language and its imagery.

3

JÜRGEN HABERMAS AND IR

INTRODUCTION

This chapter returns to the significance of Habermas for the conceptualisation of order within critical IR theory in the context of his relevance for international studies. The chapter illustrates, by means of a discussion of Habermas's contribution to the topic, the possibility of exploring ways of conceptualising order which are based on the stability of secularisation and its impact on thinking about political legitimation in modernity, as opposed to the previously discussed Schmittian reappraisal of political-theological ideas.

The Habermasian conception of order is here articulated by means of a thorough discussion of its constitutive elements, which are to be identified in the key tenets of Habermas's sociological theory (the theory of communicative action) and his conception of politics based on the construction of dialogic communities grounded in the philosophical scheme of the ideal speech situation. Secondly, this chapter illustrates the contribution given by Habermas directly to international political debates, with particular emphasis upon the crisis of the nation state in the context of globalisation, the critique of neoliberal ideology and finally Habermas's own proposal for a neo-Kantian project of world order. Thirdly, this chapter examines the way in which Habermas has entered IR debates, from methodological and epistemological questions (the "third" and "fourth" debates) to the "ZIB debate" in Germany and the positions of those theorists who have articulated critical remarks with reference to Habermas's theoretical approach. The examination of Habermas's influence on IR authors shows the extent to which his ideas, and consequently his

conceptualisation of international order based on rationalisation, have permeated the problematisation of order in critical IR theory.

Habermas's conception of order is therefore one based systematically on the re-evaluation of Kantian themes and the strengthening of democratic mechanisms in the light of his sociological theories. Order is conceptualised again in terms of law, whereby the law is conceptualised largely along the lines of Kelsen's legal positivism, therefore in a predominantly procedural and formal fashion, as opposed to the above discussed Schmittian understanding of law as a battlefield of opposed political wills. The Habermasian conception of order offers the advantage of being a fully articulate response, although of course debatable, to the question of the "normative complexes", to recover Andrew Phillips's expression, which are supposed to underpin any conception of order.

Habermas has developed an interest in questions of international politics and world order rather late in his academic career, and seemingly largely as part of an evolution from a more longstanding preoccupation with questions of domestic politics and justice at state level.[1] He has developed his conception of politics, and international politics in particular, on the basis of historical and philosophical reflection on the nation state, its normative premises and its dynamic evolution. His attention has been captured by issues of international politics, a reaction to the crisis of the nation state brought about by globalisation processes, essentially from the early 1990s. His main interest has however clearly remained with the sociological and philosophical theory of modernity, from its deep ontological structures to its (largely political) empirical implications.

[1] See Matthew Specter, "*Habermas's Political Thought, 1984–1996: A Historical Interpretation*", in *Modern Intellectual History*, 6, 1 (2009), pages 91–119.

3.1 HABERMAS'S SOCIOLOGY

3.1.1 *A sketch of Habermas's thought on sociology, ethics and politics*

Jürgen Habermas is unanimously considered one of the heirs of the Frankfurt School,[2] his work concentrating on the construction of a critical theory of society based on the linguistic-rational analysis of communication.[3] Habermas's sociological theory can be read as a re-formulation of a Western Marxist argument which attempts to go beyond the crisis of the first generation Frankfurt School, namely the irresistible pessimism of Max Horkheimer and Theodor W. Adorno as expressed in *Dialektik der Aufklärung* (*The Dialectic of Enlightenment*),[4] a collection of essays written during the years 1939–1944. In this work, the two authors advanced a radically sceptical view of the possibility of a critical theory of sociology with an emancipatory function by highlighting the drive to domination and oppression inherent in the very concept of rationality. Habermas's sociological theory starts precisely from the idea of rescuing rationality from this extreme pessimism and scepticism, reinstating the meaning of critique and the possibility of emancipation, by aiming at a comprehensive reconstruction of the concept of rationality.[5] In a nutshell therefore, Habermas's work can be summarised, as explicitly recognised by the author himself, as an attempt to save, restructure and restart the "project of modernity".[6] Habermas's core idea for such a project of reconstruction is first of all the critical evaluation of post-Hegelian philosophy and sociology, namely a critical appraisal

[2] On Habermas within the context of critical theory and the Frankfurt School, see Garbin Kortian, *Metacritique. The Philosophical Argument of Jürgen Habermas*, translated by John Raffan, Cambridge University Press, Cambridge 1980; Raymond Geuss, *The Idea of a Critical Theory: Habermas and the Frankfurt School*, Cambridge University Press, Cambridge 1981; David M. Rasmussen, *Reading Habermas*, Oxford: Blackwell, 1990; Rick Roderick, *Habermas and the Foundations of Critical Theory*, Basingstoke: MacMillan, 1996; M.B. Matuštík, *Jürgen Habermas. A Philosophical-Political Profile*, Oxford: Rowman & Littlefield, 2001.

[3] Habermas has been working on this theoretical project for several decades starting from the early 1960s until the 1990s, with the publication of his *opus maius*: *Theorie des kommunikativen Handelns* in 1981 (English Translation *The Theory of Communicative Action*, by Thomas McCarthy, Polity Press, Cambridge, 1987).

[4] Max Horkheimer and Theodor W. Adorno, *Dialektik der Aufklärung*, Amsterdam, Querido, 1947 (English translation by Edmund Jephcott: *The Dialectic of Enlightenment*, Stamford: Stamford University Press, 2002).

[5] Jürgen Haacke, "*Theory and Praxis in International Relations*", in *Millennium: Journal of International Studies*, Volume 25, No. 2, 1996, pages 255–289, especially pages 257–259.

[6] Jürgen Habermas, "*Die Moderne — ein unvollendetes Projekt*" in *Kleine Politische Schriften (I–IV)*, Frankfurt am Main: Suhrkamp Verlag, 1981, pages 444–464.

of any research that is grounded in the study of the intentions of the single actor (as notably in the sociology of Max Weber) and based therefore on a conception of reason deriving from a philosophy of consciousness, which has characterized European thought from Hegel up to the present.[7] The cause of Horkheimer and Adorno's failure lies, according to Habermas, in the progressive reduction of reason (*Vernunft*) to mere rationality (*Rationalität*), which further reduces to sheer instrumental rationality (*Zwecksrationalität*) as the only narrative of rationality, a problem which Habermas envisages as particularly prominent within Marxist thought and in the logic of the paradigm of production.[8] New foundations for a critical research programme can be discovered in the rationality of interaction between individuals, and therefore in paradigms of communication. Only the study of rational patterns in intersubjective communication can lead to forms of knowledge and of social organisation that can foster emancipation processes.[9] Habermas has consequently formulated a new definition of emancipation, which should indicate the enhancement of individual autonomy made possible by a process of learning taking place both in each person and in the society as a whole. As such, the individual and the society learn through stratification of knowledge acquired with the constant practice of communicative actions and discourse, under particular conditions that exclude distortions and only recognise the rule of the better argument. Spaces of communication within society are, therefore, crucially important in Habermas's thought in order to achieve emancipation, which is the ultimate *telos* of his social theory. This kind of emancipation distances itself from revolutionary commitments or class struggle while approaching a possible resemblance to the more universalistic form of man's release from his self-incurred tutelage.[10]

The core of Habermas's sociological theory is constituted by formal pragmatics (which he calls universal pragmatics), i.e. by the theoretical definition of those

[7] Jürgen Habermas, *Moralbewußtsein und kommunikatives Handeln*, Frankfurt am Main: Suhrkamp Verlag, 1983, pages 9 ss. and "*Untiefen der Rationalitätskritik*", in *Die neue Unübersichtlichkeit*, Frankfurt am Main: Suhrkamp Verlag, 1985, pages 132–137.

[8] Jürgen Habermas, *Der philosophische Diskurs der Moderne. Zwölf Vorlesungen*, Frankfurt am Main: Suhrkamp Verlag, 1988, pages 79–86.

[9] Habermas, *ibidem*, page 103.

[10] Cf. "Aufklärung ist der Ausgang des Menschen aus seiner selbst verschuldeten Unmündigkeit", Immanuel Kant, *Beantwortung der Frage: Was ist Aufklärung*, Berlin: Ausgabe der Preußischen Akademie der Wissenschaften, 1900 [1787], page 33.

necessary conditions which allow mutual understanding among rational actors through communication.[11] Language and interpersonal communicative actions are therefore the foundations of his theoretical building. His social ontology identifies the two constitutive elements of a society in the lifeworld (*Lebenswelt*) and the system (*System*).[12] Lifeworld refers directly to a sphere of linguistic communication. It can be defined as the repository formed by shared meanings and understandings, and the background or horizon that makes ordinary symbolic interactions of communication possible. Lifeworld also indicates all those structural components (institutions, social norms and practices) that are responsible for social reproduction.[13] The system is constituted instead by sedimented structures and established patterns moving according to an instrumental logic and rationality. It can substantially be seen in the two sub-systems of power and money.[14]

The specific function of the system is to provide the material reproduction of society. Both lifeworld and the system generate integration inside society, although in different ways. Lifeworld realizes social integration by embodying the semantic context that enables communication. Communication itself can change the content of lifeworld, while this remains open to change and revision, through discussion and discourse; discourse is understood in Habermas's theory of communication as the rational dialogic verification process of those necessary conditions of communication called validity claims. The kind of integration generated by the lifeworld is therefore transparent, since any part of it can come under rational scrutiny. The system generates integration in a different way. As industrialisation and modernisation proceed, society becomes more complex. As such, the burden of creating integration that falls on communication and discourse would become simply too heavy and impossible to handle. The system therefore provides a form of integration that is based not on a dialogic interaction of subjects (a pattern of discourse logic), but on an internal instrumental logic, even independent from the

[11] Jürgen Habermas, "*Was heißt Universalpragmatik*?", in *Vorstudien und Ergänzungen zur Theorie des kommunikativen Handelns*, Frankfurt am Main: Suhrkamp Verlag, 1984, pages 353–440.
[12] Habermas, *Theorie des kommunikativen Handelns*, Volume I, pages 171–293.
[13] Jürgen Habermas, *Der philosophische Diskurs der Moderne. Zwölf Vorlesungen*, Frankfurt am Main: Suhrkamp Verlag, 1983, page 348; *Theorie des kommunikativen Handelns*, Volume I, pages 182ss.
[14] Jürgen Habermas, *Die neue Unübersichtlichkeit. Kleine politische Schriften V*, Frankfurt am Main: Suhrkamp Verlag, 1985, page 189.

subjects who operate it, and aimed at self-defined achievements. The system can therefore ease the burden of the task of integration that falls on the lifeworld, but it necessarily operates inside the lifeworld and produces side-effects that can reveal themselves as devastating. A modern society is therefore characterised by the continuous struggle between lifeworld and system.[15]

3.1.2 *Historical Evolution of the Society*

In the *Theory of Communicative Action*, Habermas, drawing on Piaget and Kohlberg's account of evolutionary psychology and recalling the obvious Hegelian precedent, describes the history of human evolution through different stages (an old idea of Auguste Comte, but *in nuce* already present in theology since antiquity), and reconstructs the emergence of lifeworld as we know it in the current modern world.[16] Archaic societies are the first stage in this reconstruction, where the lifeworld is built around a mythos-based architecture, inaccessible to reflective thematisation. Traditional societies represent the next step and are characterised by the development of centralised metaphysical or theological world-views, partially open to a reflective thematisation of the lifeworld. Finally, modernity, the current age, sees the emergence of established rational instruments of conceptual analysis, able to demolish the authority of traditional world-views and consequently pave the way for the Weberian disenchantment (*Entzauberung*) or rationalization of the lifeworld. In today's world, the level of emancipation and self-consciousness achieved by modern societies make both metaphysics and theology — explanations and narratives that have characterized previous stages of development — no longer viable. Habermas is very careful in stressing that this part of his work cannot be considered a philosophy of history or, more precisely, a form of historicism. His aim in this historical reconstruction is that of extracting a normative guideline that he sees emerging from the self-understanding of modernity and its history,

[15] On this point, see Hugh Baxter, "*System and Life-world in Habermas's Theory of Communicative Action*", in *Theory and Society*, 16, 1987, pages 39–86.
[16] Jürgen Habermas, *Communication and the Evolution of the Society*, Oxford: Blackwell, 1995.

to be used as a benchmark of historical events, as he wishes to extrapolate a logic of historical development for its dynamics. He is careful in underlining that the above explained evolutionary pattern does not represent any form of progress, nor a kingdom of ends as in Kant, and that history can move in both directions. His conception of the problem of interpreting modernity (and emancipation within modernity) comes therefore close to the Kantian idea that — even if there is not such a thing as progress in history in a noumenal dimension — it is the normative duty of the philosopher to presuppose it as present in order to allow history to conform to the philosopher's thought, in a self-fulfilling prophecy model.[17]

3.1.3 *Habermas and Ethics*

Habermas's theoretical work about formal pragmatics and his sociological theories, both synchronic and diachronic, all flow into his account of politics, in particular his conception of ethics as the *trait d'union*, which links the construction of his theory of communicative action with the idea of justice and hence with his understanding of law, state and democracy. Discourse ethics as the basis of his concept of justice has the task of providing a foundation for the universal validity claims of moral norms in today's pluralistic societies, against any ethical scepticism and relativism. Habermas's conception of justice is both formalistic and procedural, and designed in such a way to avoid any material definition involving a pre-determined *Weltanschauung*. It is based on the two principles of universalisation and of unanimity. The first one is formulated by Habermas as the principle according to which "all affected can accept the consequences, and the side effects [of the norm's] general observance can be anticipated to have for the satisfaction of everyone's interests (and the consequences are preferred to those of known alternative possibilities for regulation)." The principle of unanimity recites instead that "only those norms can

[17] On Habermas and the philosophy of history, see Jürgen Habermas (interviewed by Jean-Marc Ferry), "*The Limits of Neo-Historicism*", in *Philosophy and Social Criticism*, 22 (3), 1996, pages 1–8.

claim to be valid that meet (or could meet) with the approval of all affected in their capacity as participants in a practical discourse".[18]

Habermas's ethics is designed as the product of an ideal discourse situation in which decisions are taken through rational analysis of norms by means of collective discussion, between all those people who are involved in the effects and consequences of those decisions, and with discussion rules guaranteeing the equal and fair participation of everybody, so that the final agreement ultimately rests on unanimity around the best argument.[19]

Justice for Habermas does not have a material content, nor does it indicate a fundamental cultural or traditional value; it is instead procedural and formal, thus largely drawing on the Kantian precedent, but also distancing itself from Kant in the way it identifies the *locus* of the search for justice not in the internal forum of consciousness, but in a collective dimension of dialogical participation. Although formal, Habermas rejects any allegation of formalism,[20] by indicating how — in his model — the moral dimension (*Sittlichkeit*) as opposed to abstract ethical rules (*Moralität*) is taken into consideration at the point at which any real community will engage in an actual discussion, and in that concrete, empirical situation the characters of any particular culture will be introduced and will be able to operate so long as they do not depart from the given definition of justice. Justice at social level has consequently to be realised in the interpersonal dynamics of collective life, in the *polis* through open discussions that take place in that ideal, immaterial *agora* that Habermas has several times theorised as the public sphere.

[18] Jürgen Habermas, *Moralbewußtsein und kommunikatives Handeln*, Suhrkamp Verlag, Frankfurt am Main 1983, page 76

[19] See also Jean-Marc Ferry, *Habermas et l'étique de la communication*, Paris: Presses Universitaires de France, 1987.

[20] See on this point: G. Finlayson, "*Does Hegel's Critique of Kant's Moral Theory Apply to Discourse Ethics?*" in Peter Dews (ed.) *Habermas, A Critical Reader*, Oxford: Blackwell, 1999, pages 29–52.

3.1.4 *Habermas and Law*

As the Habermasian political philosophy looks for just and widely accepted social orders, his philosophical definition of justice is central to his attempt to design a political system which can coordinate collective life and strengthen social integration. The question is, then, how practically this definition and conception of justice can be introduced as a working tool within society. Habermas attributes this function to law.[21] The law acquires the necessary function of social integration within modern societies, where validity and facticity (*Geltung und Faktizität*), namely the binding force of rationally motivated convictions (*Überzeugungen*) and imposed enforcement of external sanctions have gone different ways. The law regulates the strategic interactions through which the social actors understand each other outside the spheres of actions already regulated by custom and habit (*Sitte und Gewohnheit*), offering therefore a middle ground between discontinuing communication and acting strategically.[22]

Law is created in the form of positive regulations through legitimate democratic procedures, in a harmonic relation between coercion and autonomy. Law is conceived as the key form of mediation between lifeworld and system (as discussed above).[23] Habermas attributes this function of social integration to law on the basis of its factual coercive power, which is however matched by an inquiry into the legitimacy of each norm of law, so that each norm must be proofed and recognized as legitimate through interactive processes of understanding in law-making procedures. While the construction of a just and free society is impossible to achieve only with an integration provided by dialectics of money or power, this is seen by Habermas as the task of modern law, thanks to its self-regulating nature. He believes that the tension between the coercive nature of norms and the question of their validity

[21] Jürgen Habermas, *Faktizität und Geltung. Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaates*, Frankfurt am Main: Suhrkamp Verlag, pages 15–22.
[22] Faktizität und Geltung, page 43.
[23] Habermas, *Faktizität und Geltung*, page 61–62.

can be essentially overcome through the democratic procedures of autonomy (in the Greek original meaning of *autonomía*, in German *Selbstgesetzgebung*).[24]

Through a rather complex inquiry into different traditions of philosophy of law, Habermas concentrates his efforts in aiming to clarify the relation between human rights and democracy on the basis of his discourse theory. What Habermas wants to show at this juncture is that — although stemming from a common original need for regulation of social life — law and morality are in today's complex and pluralistic societies separate domains, and law in particular exclusively relies upon the rational justification (*Rechtfertigung*) of its norms, which are provided by the agreement of those who are subjected to it, and who are in the meantime also the source itself of the law. The law differs from morality because it is not primarily directed to the free will of the actor, but to the individual arbitrariness (*Willkür*); it relates to the external relations of the persons and it is endowed with coercive powers.[25]

The legitimacy of norms of law is based on the principles of rationality and of autonomy, politically grounded on the sovereignty of the citizens. Rationality and real autonomy can be assured only if a set of fundamental human rights are guaranteed in order to provide the necessary environment for open forms of discussion, rights that constitute the key juridical values of the society and are inscribed in a constitution. Noticeably Habermas does not look for a way of assuming human rights from the perspective of a philosophy of consciousness. The link between human rights and popular sovereignty is simply explained: human rights institutionalise the conditions of communication for a rational political will-formation.[26] Here the Habermasian conception of justice becomes therefore the main concept around which the thinker designs his project of a just society and a just political

[24] Jürgen Habermas, *Die Einbeziehung des Anderen*, *Studien zur politischen Theorie*, Frankfurt am Main: Suhrkamp Verlag, 1999, page 293 (English translation: *The Inclusion of the Other: Studies in Political Theory* by Ciaran Cronin and Pablo De Greif, MIT Press, Cambridge 1998).

[25] Habermas, *Faktizität und Geltung*, page 143.

[26] Jürgen Habermas, *Die postnationale Konstellation. Politische Essays*, Frankfurt am Main: Suhrkamp Verlag, 1998, page 175 (English translation: *The Postnational Constellation: Political Essays* translated, edited, and with an introduction by Max Pensky, Polity Press, Cambridge 2001).

system: one where norms are valid only if they are approved by all people possibly affected within the framework of rational discourses.

Habermas analyses the law from two complementary perspectives, as it is possible to reconstructively study the legal system at the same time from the inside in its normative content, and to describe it from the outside as a component of the social reality; the two viewpoints are therefore that of legal studies, and of sociology. An appropriate study of the law should encompass both dimensions, as the sheer philosophical formulation of the concept of law without any regard for its aspect as empirical system of social action would be empty, and because, on the other hand, an exclusively sociological description of the law would be blind in relation to its internal meanings and symbolic dimension.[27]

Habermas recovers the ancient division of positive and natural law. Particularly the latter is explained by this author as a fruitful intuition, according to which positive law should be modelled around principles of natural law. Habermas embraces this ancient intuition, articulating the view that a legal order can only be legitimate, when it does not contradict moral principles. In this way positive law remains linked to the moral domain. Of course though, in the context of a post-traditional moral order, morality and law remain differentiated: morality is now solely a form of cultural knowledge (*eine Form kulturellen Wissens*), while the law is made mandatory at the institutional level of the society.[28] Habermas explains in this fashion the dichotomy between moral and law, whereby therefore the fundamental rights (*Grundrechte*), which constitute the bulk of constitutional norms, should not be understood as sheer reproductions (*Abbildungen*) of moral rights, and the political autonomy not as the reproduction of the moral one.[29]

The validity of legal norms relies on a legally composed discursive process of law production, with the approval of all members of the law community (*Rechtsgenossen*).[30] The process for the creation of law, which combines elements of the Habermasian theory of communicative action with a theory of the state and democ-

[27] Habermas, *Faktizität und Geltung*, page 62.
[28] Habermas, *ibidem*, page 137.
[29] Habermas, *ibidem*, page 138.
[30] Habermas, *ibidem*, page 141.

racy, is to be considered as rational and fair only if a series of principles are respected, namely popular sovereignty, the guarantee of the legal protection for the individual, the legality of public administration, and finally the separation of the state and the society. The elaboration of such a theory of the state and law constitutes the core of Habermas's theory of politics, with important consequences for his conceptualisation of international politics and international order, which are rationally derived from the principles of the communicative action theory. The legitimate law is produced by communicative power and this is in turn converted into administrative power through legitimately enacted law.[31]

Domestic political order is grounded in a theory of democracy having its core in the principle of popular sovereignty, whereby all state authority is derived from the people (*Volk*), and where the subjective right of equal opportunity to participate to the democratic will formulation is combined with a legally institutionalised practice of civil self-determination (*staatsbürgerliche Selbstbestimmung*).[32] The principle of popular sovereignty entails the transfer of legislative powers to the totality of the citizens, which is implemented by means of representative bodies for deliberation and decision making according to the parliamentary principle.[33] From the logic of discourse democracy the principle of pluralism is immediately derived, together with the necessity to integrate the parliamentary formation of opinion and will (*Meinungs- und Willensbildung*) of the political parties with an informal, and open to all citizens, opinion-formation, anchored in a political public sphere.[34] The participation of all citizens to the formation of laws, and the law-driven administrative system, require the introduction of the principle of guarantee of a comprehensive individual legal protection (*Prinzip der Gewährleistung eines umfassenden individuellen Rechtsschutzes*),[35] and the consolidation of the principle of the legality of the administration (*Prinzip der Gesetzmäßigkeit der Verwaltung*).[36] The last important principle for a functioning legal system is the separation between the state and

[31] Habermas, *ibidem*, page 209.
[32] Habermas, *ibidem*, page 209.
[33] Habermas, *ibidem*, page 210.
[34] Habermas, *ibidem*, page 211.
[35] Habermas, *ibidem*, page 211.
[36] Habermas, *ibidem*, page 213.

the society, which primarily reflects, according to Habermas, a liberal approach to the idea of state, especially in the German context.[37] This principle presupposes the existence of a civil society (*Zivilgesellschaft*), namely associative relations and a political culture which are sufficiently detached from class structures. Civil society is supposed to absorb and neutralise the unequal distribution of social positions and the power differentials resulting from them, so that social power comes into play only insofar as it facilitates the exercise of civic autonomy and does not restrict it.[38] Interestingly, while Habermas is ready to acknowledge that the idea of a state as *pouvoir neutre* rising above the pluralism of the civil society has always entailed ideological elements, nevertheless it is important that the administrative system (in the form of executive power or sanctioning power) should never become pray of the political struggle between the difference social powers which interact at the level of the political process emerging from the civil society.[39] For Habermas, the institutions of a constitutional state are supposed to secure an effective exercise of the political autonomy of socially autonomous citizens, by accomplishing essentially two tasks: they enable the communicative power of a rationally formed will to emerge and find binding expressions in political and legal programmes; secondly, they allow this communicative power to circulate throughout society via the reasonable application and administrative implementation of legal programmes, so that it can foster social integration through the stabilisation of expectations and the realisation of collective goals.[40]

3.2 HABERMAS AND POLITICS

3.2.1 *The nation-state*

Habermas's approach to politics is characterised by a complex historical narrative about the evolution of political forms from the medieval to the modern. His con-

[37] Habermas, *ibidem*, page 215.
[38] Habermas, *ibidem*, page 215.
[39] Habermas, *ibidem*, page 216.
[40] Habermas, *ibidem*, page 217.

ception of politics presents itself as deeply embedded in a historical analysis, largely indebted to a methodological model already present in Max Weber's work. Habermas constantly focuses on two interrelated but nevertheless distinct dimensions: one is the evolution of normative issues as visible in changing forms of legitimation; the second is instead a monitoring of the economic forms of social organisation, particularly capitalism. Habermas conceptualises the nation state as a powerful and well-functioning solution to two sets of problems that European political authorities encountered while entering modernity. On the one hand, questions arose relating to the legitimation of power in a context of growing religious and cultural pluralism, wherein increasingly political authorities could no longer claim divine origins to their power. On the other hand, new social phenomena emerged from the economic transformation of societies towards capitalism. The creation of the nation state laid the foundations of a new *Legitimationsmodus*, which in turn made possible a more abstract, new form of social integration.[41] The nation state in its juridical, institutional dimension is described by Habermas as a product of two paralleled processes, one acting inside its borders and leading toward the creation of the modern state, the other oriented toward the outside and giving form to what can be intended as a nation, from the perspective of international relations. The first process is that of increasing centralization of power inside the borders of medieval kingdoms and in the person of the king (or *princeps* in a more abstract denomination). Only the state is now sovereign, the state maintains internal peace and order, and it is able to defend itself from external attacks. This is the second process of the formation of the nation state, the external one. From the Peace of Westphalia (1648) onwards, states gained external sovereignty through recognition by other states, on the principles of equality and independence. Internal sovereignty indicated the capability of maintaining order within borders and external sovereignty the capability of self-assumption in an anarchical environment of competing powers.[42] The question of legitimation is particularly relevant because the solution successively envisaged for it led several centuries later to the rise of the democratic nation state, and through the study of this process it is possible to distinguish — in

[41] Habermas, *Die Einbeziehung des Anderen*, *op.cit.*, page 135.
[42] Habermas, *ibidem*, pages 131–132.

Habermas's view — the peculiarities of the relation between nationalism and republicanism, a relation that is crucial to understanding the European political order as it emerged through the short twentieth century, and crucial to the question of European unity today. Habermas argues that in response to the above mentioned dual challenge (questions of legitimation and capitalistic revolution) the nation state answered with a political mobilisation of its citizens, made possible by existing national consciousness, which in turn enabled a more abstract form of social integration with political decision-making structures, which had also changed.[43] The transition to the democratic nation state is marked by the transformation of private subjects, with their guaranteed sphere of autonomy, into citizens endowed with rights deriving from their status and who actively participate in the practice of the political authority, which finds its legitimation in the citizens themselves, in the principle of popular sovereignty. But this conceptual transformation lacked the necessary force to give shape to a self-conscious nation of citizens. In order to spur political mobilisation, a new idea was required, an idea that could bind the minds and hearts of people more strongly than abstract concepts of popular sovereignty (*Volkssouveränität*) and human rights.

3.2.2 *The modern rational state*

It is only with the French Revolution that a new concept of the nation arises; a concept no longer intended as *gens* or *ethnos* - an ethnicity-based community integrated by common region of settlement, language, customs and traditions (but not necessarily by the existence of a common form of political organisation). The new concept, and the new use of the word "nation", marks a shift towards an understanding of the nation itself as the source of sovereignty. The democratic community of will (*demokratische Willensgemeinschaft*) replaces the ethnic relation. The nation is intended as the community of those who belong to the same political community (*demos*), made up of citizens. Citizenship finds its identity not in shared ethnicity and culture, but in the practices of citizens, who actively exercise their right of

[43] Habermas, *ibidem*, page 135.

participation and communication.[44] Habermas relates the concept of citizenship to the idea of self-definition elaborated by Rousseau. Real citizenship can only exist if there is popular sovereignty. Rousseau and Kant first intended popular sovereignty not as an expression of limitation or reversion of monarchic power, nor as a top-to-bottom transfer of power from the monarch, but instead as the transformation of authority (*Herrschaft*) into self-legislation (*Selbstgesetzgebung*). This meant an overcoming of the Hobbesian conception of a pact with authority (*Herrschaftsvertrag*), whose place is taken by the social contract (*Gesellschaftsvertrag*) as an abstract model for the kind of, and way of, constituting authority (political power), which legitimates itself in the full realization of democratic self-legislation.[45] Political authority loses its character as a power determined by natural order and any trace of *violentia* is supposed to be eliminated from the *auctoritas* of state power.[46] Quoting Kant, Habermas explains how the transformation of the idea of citizenship underwent a form of abstraction from the previous requirements of belonging to a certain ethnic group or a particular form of life, where "only the concurring and united will of all, insofar as each decides the same thing for all and all for each [...] can be legislative".[47]

In an association of free and equal citizens, the consent achieved through discussion and commitment relies ultimately on the unity of a consensual procedure. A constitution (*Verfassung*), the expression of a formal consent, is the form in which this procedure for the production of opinions and the agreement on decisions has been established, through discussion and approval by all. Membership of a democratic political community means that each member is entitled to a set of rights and duties (*Rechte und Pflichte*) which all together form a citizenship status. This status fixes in particular the democratic rights that the single individual can vindicate (*in Anspruch nehmen*) in order to change his substantial juridical situation, a concept often referred as active citizenship (*aktive Staatsbürgerschaft*). Drawing on Taylor's ideas, Habermas admits that the universal principles

[44] Habermas, *Faktizität und Geltung*, page 636.
[45] Habermas, *ibidem*, page 637.
[46] Habermas, *ibidem*, page 637.
[47] Immanuel Kant, *Die Metaphysik der Sitten*, Berlin: Ausgabe der Preußischen Akademie der Wissenschaften, Volume VI, 1910 [1797], page 313 .

of a democratic state do need a sort of political-cultural anchorage. Constitutional principles can provide this sort of anchorage when taking form in social practices and can become the driving force of a project (necessarily dynamic) of production, of an association of the free and equal. Those constitutional principles are directly connected with the motives and views of the citizens, because of the position they occupy in the context of national history. As main examples Habermas indicates two of the oldest democracies, both with a multi- cultural society: Switzerland and the United States. These two nations demonstrate that a political culture in no way has to be necessarily grounded on a common ethnic, linguistic and practical origin for all citizens.[48] Patriotism has therefore to be inculcated as constitutional patriotism (*Verfassungspatriotismus*), relying on a liberal political culture, and on a form of loyalty to fundamental principles of law, which enables the existence of a common state for a society made up of different ethnicities and cultures. Citizens of a democratic state do not need to seek the foundation of their status in the national identity of a people (*Volk*). Democratic citizenship requires the socialization of all citizens in a common political culture, independently from the plurality of different cultural forms of life.[49]

3.3 HABERMAS AND INTERNATIONAL POLITICS

3.3.1 *Beyond the nation state: globalisation*

According to Habermas, while the nation state has historically, with neurotic attention, watched its borders, those borders have now been pierced by irresistible transnational processes. Those processes are able to progressively weaken the nation state, which loses the power of performing, partially or completely, its social and political tasks. As anticipated, the nation state has been the optimal environment for the birth and the growth of capitalism, and the latter has substantially contributed to the formation and strengthening of the nation state, together with

[48] Habermas, *Faktizität und Geltung*, page 642.
[49] Habermas, *ibidem*, page 643.

the modern system of interstate relations.[50] But capitalism has also taken on a global dimension from the very beginning, and those two elements now no longer strengthen each other. Now the power of the capitalist system has extended on an unprecedented scale, creating networks of production, trade and communication which extend beyond the material and legal capability of the single nation state to regulate and bring even the most powerful nations under (democratic) political control.

The trends summed up under the heading of "globalization" jeopardize the comparatively homogeneous make-up of populations internally, and hence the pre-political basis for the integration of citizens, through immigration and cultural segmentation. States which are becoming increasingly entangled in the interdependencies of a global economy and global society are additionally forfeiting their capacity for autonomous action, and with it their democratic substance.[51]

Habermas sees the effects of globalization on the nation state specifically operating in three crucial areas: the loss of control capabilities, the growing legitimation deficits in decision-making procedures and the growing incapacity to implement directional and organizational policies which create legitimation. Loss of control capabilities is especially meant to denote the situation in which the state, as a consequence of its lost autonomy, is no longer able to protect its citizens from the external effects of decisions taken by other actors, or from chain-reactions the origins of which lie beyond its borders. Habermas recognizes in this category both "spontaneous trans-border events" such as environmental disasters, organized crime, security risks generated by new technologies, the arms trade, epidemics and events that are consequences of policies of other countries (with people hit by those consequences not taking part in the decision-making process which brought them into existence). Nation states try to deal with problems and questions of a regional and global scale through policy coordination, inter-governmental regimes, treaties and agreements. The democratic legitimation of these policies relies on the democratic legitimacy of the governments, and therefore only in an indirect way can

[50] Habermas, *Die Einbeziehung des Anderen*, page 147.

[51] Jürgen Habermas, *Zeit der Übergänge*, Frankfurt am Main: Suhrkamp Verlag, 1999, page 89. (English translation: *Time of Transitions* by Ciaran Cronin, Polity Press Cambridge 2006).

they claim legitimation from the citizens. But the more numerous and important the questions regulated through interstate procedures become, the more political decisions will be emptied of any democratic opinion and will-forming processes (*Meinungs- und Willensbildung*), which take place exclusively in the national arenas. This is especially evident in the case of the European institutions.[52] But the most important of these three aspects is the increasingly limited capacity of nation states to intervene. The nation state could previously make use of a legitimation-boosting social policy, protected by solid borders that clearly marked its space of manoeuvre and that of the internal, national actors. The functional integrity (*funktionale Vollständigkeit*) of the national economy meant that the state had a role in providing those complementary factors (above all capital and organization), to which the labour supply was directed, in order to become productive.[53] The nation state was previously the framework wherein the republican idea of the conscious conditioning of the society took place and was institutionalised. Typical was the conception of a complementary relation between state and economy on the one hand, and internal policies and interstate politics on the other. But this model is only suitable as long as national politics can have an influence on the "economy of the nation" (*Volkswirtschaft*). In the heyday of Keynesian policies, economic growth depended on factors that generated not only profits, but also benefits for the whole population, thanks to mass consumption (under the pressure exercised by free trade unions), new technologies in the production processes (on the basis of independent research) and the longer education, and thus greater qualifications, of labour forces (due to an expanded education system).[54] Habermas makes the point that, in the time prior to the current wave of globalisation, "national economies provided a range of opportunities for redistribution that could be exploited, through wage policies and — on the side of the state — welfare and social policies, to satisfy the aspirations of a demanding and intelligent population".[55] Under the new globalisation regime those circumstances have dramatically changed, in particular when referring to the relation between capital and the role of the state; in Haber-

[52] Habermas, *Zeit der Übergänge*, page 90.
[53] Habermas, *ibidem*, page 91.
[54] Habermas, *Die Einbeziehung des Anderen*, pages 146–147.
[55] Habermas, *ibidem*, page 147.

mas's words: "footloose capital has, so to speak, been released from its duty to stay at home in its search for investment opportunities and speculative profits can threaten to exercise its exit options whenever a government imposes burdensome constraints on domestic business conditions in an attempt to protect social standards, maintain job security, or preserve its ability to manage demand".[56]

He identifies in particular the danger of globalisation in the form of the uncontrolled effects that economic transformations can produce within the economic and social structures of the advanced democratic states of Europe, especially focusing on the two phenomena of long-lasting unemployment and the impoverishment of sections of the population that form a kind of under-class (*Unterklasse*), those essentially marginalised from both the socio-economic and political life of the nation-state.

The dramatic employment problems in the former First World stem not from classical international trade relations but from globally interconnected relations of production,[57] whereby "high wage policies have become a provocation to rationalization measures. The growing menacing power of mobile enterprises against locally-based trade unions is marked by mass firings. At the same time, national governments have lost the capacity to collect tax resources from the domestic economy in order to stimulate growth and therefore to ensure the material foundations for their legitimation."[58] Habermas wonders if the end of the nation state can also possibly mean the end of any form of political socialisation. The future could see citizens being discharged into a world of anonymous relations, in which they must decide between system-created options according to their own preferences and yet dominated by the behavioural model of the transnational corporation. This opposition between the rise of a global economic system and the helpless attempts to exercise a normatively organised political influence upon this system is part of a more general development, which Habermas identifies as a process characterised by the complete disorganisation of world society, as it disintegrates into an

[56] Habermas, *Zeit der Übergänge*, pages 91–92.
[57] Habermas, *Die Einbeziehung des Anderen*, page 147.
[58] Habermas, *Zeit der Übergänge*, page 92.

unordered mass of self-reproducing and self-directed functional systems.[59] Those systems, "like Hobbesian individuals in the state of nature, [...] form environments for one other. They no longer speak a common language. Lacking a universe of inter-subjectively shared meanings, they merely observe one another and behave toward one another in accordance with imperatives of self-preservation".[60]

Habermas is thus concerned with safeguarding the future not of the nation state model *per se*, but of democracy beyond the historical experience of the nation state. In Habermas's view, the question is not if there is a way of preserving the nation state and therefore preserving democracy in the era of globalisation. The real question and challenge is — for all those who recognize the positive value of democracy — how to keep democracy alive outside the national framework, without the anchorage to the centuries-old structures of the declining nation state. The path he embraces is essentially that of putting politics at the centre and adopting a perspective in which it becomes possible to create an effective normatively organised control system for economic development and for its social and political effects, a path that will lead him to discuss the possibility of a domestic world politics.

3.3.2 *The critique of neo-liberal ideologies*

Habermas recognizes that globalisation is not only an economic and material problem, but also a cultural one, and in particular he identifies the status of neo-liberalism as its ideological engine.[61] This cultural struggle revolves substantially around the transmission and interpretation of liberal ideas, which maintained a pivotal role in the political tradition of the Enlightenment. As illustrated above, Habermas sees his own work as an attempt to re-establish the project of Enlightenment on more solid foundations, after the setbacks suffered during the twentieth century. The crisis of liberalism is consequently not an alleged degradation of the inher-

[59] Habermas, *Die Einbeziehung des Anderen*, page 150.
[60] Habermas, *ibidem*, pages 150–151.
[61] Jürgen Habermas, *Der gespaltene Westen*, Frankfurt am Main: Suhrkamp Verlag, 2004, page 174.

ent normative value of this tradition, which remains fundamentally intact, but the consequence of neo-liberalism establishing itself as the dominant interpretation of those values. This process has been dramatically accelerated since the end of the Cold War and the illusionary triumphalism *à la* Fukuyama that gained momentum in the United States. Especially during the years of the G.W. Bush administration, the alliance between neo-liberalism and neo-conservativism generated an ideology that resembles some sort of social Darwinism. It betrays the solidaristic component of liberal ideas (particularly in Habermas's interpretation of Kant). Habermas's response to the current crisis of liberalism has therefore taken the shape of a double attack on neoliberalism as economic and political doctrine, aimed at the inconsistency of some fundamental pillars of the neoliberal foundation. He criticizes neoliberal policies, first in their normative and theoretical content, and also in the practical results of their implementation: as anticipated, he views those policies as the main ideological engine of globalisation, rather than a valuable solution to the social problems thrown up by globalisation itself.

From the normative point of view, Habermas stresses how neoliberal economic thought subjects to intense debate issues of minimal social standards and equal distribution of wealth, the relation between social justice and market efficiency.[62] It claims that the market would be able to guarantee not only an optimal cost/benefit ratio, but also a socially equal distribution of resources. The attack on neoliberalism focuses on the normative conditions required to have efficient markets and on the mechanisms that should lead to social justice through markets. In particular, Habermas's analysis stresses that neoliberalism finds one of its basic operational concepts in exchange equality (*Tauschgerechtigkeit*). According to this principle any exchange that takes place as a consequence of an agreement, and consequently by the will of both sides under known and standard conditions, contains an equivalent good/price ratio. Parties should have the same freedom to make decisions independently. A market (institutionalized through contract freedom and property rights) is therefore more efficient the more free competition can be found in it, and it is in this sense "just".[63] The neoliberal idea of freedom is bound here

[62] Habermas, *Die postnationale Konstellation*, page 140.
[63] Habermas, *ibidem*, pages 141–142.

to a normatively reduced concept of the person, the "rational chooser" (*rationaler Entscheider*), independent of both a moral discourse (a moral actor considering in his decisions the interests of all subjects involved, on an equal level) or of a political discourse (a political actor or citizen of a *res publica* who takes part as free and equal amongst others in the public practice of self-legislation). Those subjects "are not required to take any mutual interest for one another into account; they are thus not equipped with any moral sense of social obligation. The legally requisite respect for private liberties in which all competitors are equally entangled is something very different from the equal respect for human worth of each individual".[64]

From this conception neoliberals derive their idea of the democratic state as a mere instrument for the defence of private freedoms: stripped, however, of any further dimension of freedom save the private one, in particular with no real reference to political autonomy. Habermas's attack on neoliberalism on political grounds is based on the conviction that "neoliberalism is [...] unreceptive to the republican idea of self-legislation, according to which private and civic autonomy mutually presuppose one another. It closes itself off from the intuition that citizens can be free only if they can regard themselves as both the authors and the addresses of the law at the same time".[65]

Habermas criticizes the neoliberal view of the subordination of the state to the imperatives of a global social integration, through markets and the model of an entrepreneurial state, which completely departs from the project of the de-commodification of labour and the state protection of lifeworld resources.[66] Neoliberal concepts of both the individual and the state suffer from normative reduction, and this can explain the evident lack of concern for questions of social justice, a mentality swinging between tolerance, indifference and cynicism.[67]

Another important theoretical tenet of neoliberalism should be rejected, the one assuming that — under certain premises — spontaneously self-regulating systems can rise in societies (and in a world society as well), thus making unneces-

[64] Habermas, *ibidem*, page 142.
[65] Habermas, *ibidem*, page 143.
[66] Habermas, *Zeit der Übergänge*, pages 92–93.
[67] Habermas, *Die postnationale Konstellation*, page 143.

sary norms that are issued on the base of political authority. Habermas defends instead the model of a society which regulates itself through a political collective will, expressed in appropriated constitutional institutions and procedures, made explicit in public norms and grounded on the idea of popular sovereignty and human rights.[68] He indicates how the famous "invisible hand" mechanism has indeed brought about failures, or at best can be considered to represent a myth that is not supported by reality. He identifies the balance of power system as one instance of its failure, the creation of global markets as another.[69]

From a more practical point of view, Habermas denies that markets could possibly lead to a socially just distribution of wealth. He accepts the capacity of markets to distribute information efficiently to wherever it is needed for economic activity. However, this process takes place precisely because the market mechanism excludes any sensitivity to external costs and understands no information that is not expressed (or which cannot be expressed) in the form of a price. Besides, Habermas denounces the counterfactual and utopian nature of the neoliberal description of the market as being endowed with an equalising force, since it is obviously unrealistic to assume that people can have the same chances of taking part in the market and making profits. Real markets reproduce — and increase — the pre-existing comparative advantages of enterprises, households and people.[70] Even when assuming that the world is heading towards a neoliberal *telos* through a process of world economic liberalization and the unlimited mobility of all factors of production (including labour resources) towards a goal of global and equal prosperity due to global markets, national and worldwide inequality is doomed to dramatically expand in the meantime, until the process is completed. Even on this assumption, we would still have to accept a transitional period, both at the national and at the global levels, marked not only by a drastic increase in social inequity and fragmentation, but also by the decay of moral standards and cultural infrastructures. Thus, from a temporal point of view, we must ask how long it would take to traverse the "valley of tears" and what sacrifices would have to be made along the

[68] Habermas, *Die Einbeziehung des Anderen*, page 151.
[69] Habermas, *ibidem*, pages 152–153.
[70] Habermas, *Die postnationale Konstellation*, pages 143–144.

way. How many people would have to suffer the fate of marginalization and being left by the wayside? How many irreplaceable achievements of civilization would be sacrificed to "creative destruction" in the process?[71]

Habermas warns that the phenomena of social degradation caused by neoliberal policies can endanger the future of democracy. Democratic procedures and arrangements (which offer citizens the possibility of collective self-affirmation and politically effective action to tackle their social life conditions) are voided of their importance as long as the nation-state loses its functioning capacity, and the material basis for vast number of citizens to exercise their right to political participation is diminished. Neoliberalism clearly contradicts the core ideas of the liberal tradition and cannot consequently claim to be its rightful interpretation for today's world.

3.3.3 *Habermas's neo-Kantian project of world order*

As an effect of globalisation, today's world is constantly transforming itself from a patchwork of different societies enclosed within the borders of nation states into a world society (*Weltgesellschaft*). Habermas perceives here — besides the dangers that have to be fought in order to preserve the achievements of mankind in democracy and human rights — the necessity of shaping new forms of world governance which have to take into account these news dimensions. This is the point at which he turns more openly to the issues of international politics. In *Der gespaltene Westen* he proposes a kind of philosophical normative understanding of today's dynamics in international relations: entailed with a strong emancipatory commitment, this presents itself as a re- elaboration of Kant's project of perpetual peace.[72]

[71] Habermas, *Zeit der Übergänge*, page 93.

[72] Immanuel Kant, *Zum ewigen Frieden*, Berlin: Ausgabe der Preußischen Akademie der Wissenschaften, 1900, pages 341–386 (originally published in Riga, 1795; English translation available in Immanuel Kant, *Political Writings* — edited by Hans Reiss, Cambridge: Cambridge University Press, 1991).

He recovers the Kantian idea of juridification (*Verrechtlichung*) of interstate relations, which is the attempt of binding states' behaviour to a framework of principles of law, in a similar way as the citizens of a state are bound by the internal law system of that political entity. Kant wrote that the first and foremost of those principles should of course be the condemnation of war as a legitimate tool in international politics. However, this would require the adoption by all states of the internal constitutional form of a republic (i.e. a state of free and equal citizens acting in accordance to principles of rational rule). This juridification can be made possible not by the creation of a super-state as a federation of nation-states (a first elaboration that Kant lately abandoned) but instead by a league of nations (*Völkerbund*). Habermas sees as a crucial element in this conception the fact that — for the first time in the history of this discipline — it is not only states and communities (i.e. composite political bodies) that are considered as subjects and actors of international law, but single individuals, too, are taken into account as directly entitled to rights, and not in the mediated form of the extension of their status of citizens of this or that state. As anticipated, he considers most of the contemporary problems of today's world to be of a social and economic nature. Poverty, diseases, famines and underdevelopment do pose questions of justice between all human beings. In this way, they cannot simply be restricted to a matter of inter-state debates and cooperation, although that dimension still remains the main means to design and implement policies and agendas. In a similar way, ecological issues impacting all humans reveal our essential commonality as inhabitants of the Earth.

While on the one hand it is absolutely premature to speak of any possible project of a world state or a world government, it is possible to approach the problem of international justice by considering the possibility of a world domestic politics without world government (*Weltinnenpolitik ohne Weltregierung*). How to practically do this is not completely explained by the author. However, in principle, the main task should be, on the one side, the construction of more effective legal frameworks for international cooperation, and on the other, the strengthening of the incipient world public opinion (*Weltöffentlichkeit*), which at the moment expresses itself most notably in the activities of those NGOs and transnational move-

ments promoting respect for human rights, economic cooperation and fair trade, and conservation of the environment. In particular, the re-shaping of international legal frameworks and organisations should be carried out at two different levels: global, and regional.

Starting from the latter, Habermas sees — clearly based upon the model of the European Union — that a regional approach can be much more fruitful in tackling most political and social issues. This discourse of juridification of international law and the consequent articulation of a legal understanding of international order has been clearly expressed by Habermas, particularly with regard to the international position of Europe and the meaning of the European project, not just of the continent, but for the entire international community. These ideas have been again re-elaborated in a recently published contribution,[73] which is aimed at discussing the current crisis of the European Union, while offering a possible vision for its future. Indeed for Habermas, "the EU can be understood as a decisive step on the path to a politically constituted world society" (*politisch verfasste Weltgesellschaft*).[74] The juridification of the international is clearly seen, particularly in Europe, as a mechanism for the immediate "domestication of interstate violence", directed towards pacification, but at deeper level, precisely through "the restraint of the anarchical struggle for power, and the enhancement of cooperation between states", this pacification can make the construction of supranational capabilities to act (*Handlungsfähigkeiten*) possible.[75] This shift is advocated by Habermas with a "transnationalisation of popular sovereignty in the form of a democratic federation of nation states (*Bund von Nationalstaaten*)".[76] The legal order in which this newly formulated political community should be grounded requires on the one hand the submission of the nation states to the law issued by this supranational federation or union, and on the other, that the constitutional power is shared by the totality of the union's citizens with "a limited number of constituent states (*eine begrenzte Zahl von verfassungsgebenden Staaten*)". Those states operate according to a man-

[73] Jürgen Habermas, *Zur Verfassung Europas*, Frankfurt am Main: Suhrkamp Verlag, 2011.
[74] Habermas, *ibidem*, page 40.
[75] Habermas, *ibidem*, page 46.
[76] Habermas, *ibidem*, page 47.

date from their peoples for the cooperation towards "the foundation of a supranational commonwealth (*die Gründung eines supranationalen Gemeinwesens*)".[77] From an intellectual viewpoint, the underlying idea is here that the civilisational role of the European unification emerges in the light of cosmopolitanism going a step further.[78]

Habermas's view on the process of European unification is centred on the idea of a shared sovereignty, where the creation of a supranational entity means also the creation of a sovereign and unitary European people, but this does not entail the abolition of nation states, which instead remain in place as constitutive elements of this constitutional architecture. The nation states "are as democratic *Rechtsstaaten* not only actors on the long historical path to the civilisation of the authoritarian core of political rule, but also stable achievements (*bleibende Errungenschafen*) and living forms of an 'existing justice' (Hegel)".[79]

This "division of sovereignty" between citizens and member states should be reflected in a reform of the EU institutions, where the legislative power is shared and the Commission becomes equally responsible in front of both the European Council and the Parliament.[80] This feature differentiates a nation state, even when it is constitutionally articulated as a federal state, from the Habermasian project of the EU. A federal state is namely constituted exclusively by the totality of its inhabitants, while the foundation of the EU "can retrospectively be thought so that the participant citizens (or their representatives) from the beginning are split into two *personae*": each citizen appears in the constitutional process of Europe both as a citizen of Europe and as a citizen of his country of origin.[81]

This approach contrasts with a global one, where rivalries between great powers are more acute and often thwart any practical action. The advantage of a regional approach is also clear in the further spread of democracy, which reveals itself as much more effective and endowed with powerful stabilisation effects when ac-

[77] Habermas, *ibidem*, page 47.
[78] Habermas, *ibidem*, page 47.
[79] Habermas, *ibidem*, page 72
[80] Habermas, *ibidem*, page 49.
[81] Habermas, *ibidem*, page 70.

companied by strong reconciliation policies and the development of supranational nets of solidarity on a regional scale.

At the global level, the cosmopolitan re-organisation of world politics can occur in its essence via a newly conceived role of an enhanced and modified UN system, whereby however this "politically constituted community of states *and* citizens" should limit its scope to the "core functions of ensuring peace and the global implementation of human rights".[82] Habermas wants to expand the above explained set of considerations about the nature, purpose and role of the European Union for the pacification of Europe and the civilisation of political authority to the rest of the planet, whereby the theoretical image of a constituent cooperation (*verfassungsgebende Kooperation*) between citizens and states on the example of the EU may show the path on which the existing international community of states (*Staatengemeinschaft*) may be complemented in a cosmopolitan community (*kosmopolitische Gemeinschaft*) through a community of world citizens (*Weltbürger*).[83] The example of the European Union is especially important from a historical perspective because of two innovations, namely the submission of the member states, and their monopoly of violence, to the communitarian law, and the division of sovereignty between the constituent subjects of the citizens (*Bürger*) and of the state peoples (*Staatsvölker*).[84]

The translation of these results to the global level implies a shift in the perspective from which world politics is normally observed, described and explained, namely from the image of a world divided in more or less competing state entities and separated political communities, to one in which world politics is simply the domestic politics of mankind. This new perspective would be enhanced through the cosmopolitan bond of world citizens (*kosmopolitische Verbindung der Weltbürger*).[85] This perspectival shift is according to Habermas undeniably necessary in the long run, the more problems in the ecological, economic, financial and

[82] Habermas, *ibidem*, page 85.
[83] Habermas, *ibidem*, page 86.
[84] Habermas, *ibidem*, page 83.
[85] Habermas, *ibidem*, page 83

security sphere demand political initiatives which escape the capabilities of the single nation states, however mighty.

For the achievement of more ambitious goals however, there are currently, in Habermas's view, formidable hurdles, as the functioning of a global political governance system not only lacks a shared political will, but also of global actors with a legitimate mandate and capable to implement any agreed deal.[86] Habermas is in any case not advocating the construction of a world republic, but simply of a system in which nation states and world citizens share sovereignty, an objective which may be achieved with the creation of a general assembly participated by representatives of both citizens and states, where different perspective of justice (*Gerechtigkeitsperspektiven*) are brought together. This world parliament should systematically consider this double perspective especially in its role of interpret of the UN Charter.[87]

Within the horizon of this new way of organising a system of world governance, "[a] democratic juridification of the United Nations clearly requires [...] the improbable feedback connection (*unwahrscheinliche Rückkoppelung*) of the world parliament to the opinion and will formation of the world citizens, who would be periodically be called to elections".[88] Habermas remains however sceptical with reference to the functioning of a world public sphere, which still appears to possess little structure.[89] The difficulty in going beyond the attainment of a limited number of political goals descends precisely from the fact that the tasks of the United Nations are political and legal, and not simply moral. However, the creation of a global solidarity of all human beings is considered by Habermas as possible in the name of sheer humanity ("we all are familiar with everyday situations, in which we feel ourselves obliged to solidarity with strangers, with anybody with a human face"),[90] precisely in relation to the two above mentioned tasks of preserving international peace and fostering human rights. Habermas is namely convinced that it is possible to ground a new world order on a reformulated role of international

[86] Habermas, *ibidem*, page 85.
[87] Habermas, *ibidem*, page 87.
[88] Habermas, *ibidem*, page 89.
[89] Habermas, *ibidem*, page 89.
[90] Habermas, *ibidem*, page 91.

law, where this law is the embodiment of a set of key moral principles (distributive justice, prosecution of crimes against humanity and aggression wars) which can be found "in the moral core of all great world religions and of those cultures they influence".[91]

While the citizens of the world do not have the homogeneity necessary to the creation of a world state (based on solidarity between all free and equal citizens), Habermas is convinced that the foundation of world citizenship can find sufficient support in the general acceptance of that set of human rights inscribed in the UN Charter and in both UN declarations of 1948 and 1966. Human rights are, then, the core around which the international community and humanity as a whole can reshape world order with the aim of promoting peace and tackling the serious problems faced by world society today. The universal acceptance of human rights stems from the universal validity of any well-constructed rational discourse, consequently recognizable and valid for all rational beings, independently indeed from other remarkable and profound cultural and religious differences. This is the core idea of justice, which can bring under its normative validity all nations and states of the world, the true political foundation of a world democratic order of (perpetual) peace, with the double role of directly addressing both state government and (world) citizens. From this core idea of justice, the system of international relations should find its regulatory mechanisms in juridical norms, actually proceeding further along the path of juridification already taken — with alternating fortune — after 1918 with the League of Nations and again after 1945 with the United Nations Organisation, under the powerful lead of the United States of America. Juridification assumes in this context also the meaning of "constitutionalisation" (*Konstitutionalisierung*), i.e. the creation of a supranational juridical order and authority similar to the way in which citizens within each state are subject to the domestic order and authority, based and established through the autonomy of the same subjects around a set of common fundamental values: those inscribed in the constitution. If human rights are the core values around which it is possible to build

[91] Habermas, *ibidem*, page 92.

an international order, then the UN Charter can be understood as an early draft of the constitution of the international community.[92]

3.4 HABERMAS AND INTERNATIONAL RELATIONS

3.4.1 *Habermas and IR literature*

The use of Habermas within the context of IR literature is characterised by a multifaceted approach to his work, which in the course of the last thirty years has played a significant role in a variety of debates. Some of these debates are not at first obviously related, as they concern different aspects of the discipline. However, they may be considered to be ultimately tied together by the overarching preoccupation with methodological and epistemological issues. Habermas's relevance for IR studies has arguably increased with the gradual but steady growth of those sociological inquiries, particularly of a methodological nature, that have characterised the discipline at least from the late 1970s, but especially from the early 1980s onwards, with the mounting critique of the neo-realist hegemony and the subsequent debates about the nature of IR critical theory.

Habermas emerges in IR debates first within metatheoretical discussions — the so called third and fourth debates, as defined below — around the ideological nature of neo-realist theories. This is due to Habermas's prominence within anti-positivistic epistemological positions in philosophy and sociology, in his 1968 book *Technology and Science as Ideology*[93] and especially in his *Knowledge and Human Interests*,[94] of the same year. A second area in which Habermas has appeared as a crucially important figure stems directly from the first one, and the resulting creation of an established domain within critical studies in IR. The creation of that domain has led to internal debates centred upon the nature of critique, and the di-

[92] Habermas, *Der gespaltene Westen*, pages 157–160.
[93] Jürgen Habermas, *Technik und Wissenschaft als "Ideologie"*, Frankfurt am Main: Suhrkamp Verlag, 1968 (English translation by Jeremy J. Shapiro: *Technology and Science as Ideology*, Boston: Beacon, 1970).
[94] Jürgen Habermas, *Erkenntnis und Interesse*, Frankfurt am Main: Suhrkamp Verlag, 1968. (English translation by Jeremy J. Shapiro: *Knowledge and Human Interests*, Boston: Beacon, 1972).

rection that a critical approach to IR studies is supposed to take. This second area is therefore one that entails a debate about the validity of the Habermasian approach to critique — namely, his theory of communicative action, (henceforth TCA) — in contrast to others, mainly those more heavily engaged with post-structuralism. Related to this area, although within a different context, is also the use of Habermas's work in terms of social constructivism, a social theory of international politics, which originally emerged from the German IR community and their journal *Zeitschrift der Internationalen Beziehungen* starting in 1994, and which prompted a significant level of debate. Finally, Habermas's influence in this area has also been growing as a result of the evolution of theories of justice, both political and moral, which have informed the critical movement and beyond, when confronted with the rise of a normative IR theory — especially after Beitz[95] -, and the transformation spurred by globalisation dynamics. Habermas's relevance in this field has been concentrated on the design of democratic global governance institutions, whereby the TCA plays the role of the theoretical sociological foundation for a cosmopolitan theory of justice and of political practice, thus expanding the reach of a Habermasian critical theory of IR. This is also the field to which Habermas himself has directly contributed, although in a rather limited fashion, leaving the field mostly to his interpreters. This sub-area of Habermasian influence on IR studies is directly related to the reading in the international context of Habermas's works on the theory of law and of the democratic state, as illustrated above, particularly as articulated in *Between Facts and Norms*, the *Inclusion of the Other*.

3.4.2 *Habermas and the fourth debate*

Jürgen Habermas was first introduced into the discipline of IR by Richard Ashley,[96] within the framework of the broader critique of neo-realism, and more specifically

[95] Charles R. Beitz, *Political Theory and International Relations*. Princeton: Princeton University Press, 1979.
[96] Richard Ashley, "*Political Realism and Human Interests*", in *International Studies Quarterly*, 25/2, 1981, pages 204–236.

its positivistic epistemological underpinnings, a discussion which Yosef Lapid[97] labelled as "third debate" but which Thomas Diez and Jill Steans,[98] drawing on a pre-existent argument formulated by Ole Wæver,[99] have re-baptised "fourth debate" with the intent of distinguishing the sheer critique of positivism from the emergence of a more autonomous post-positivist strand of IR studies. Ashley's use of Habermas was in this context related to the Habermasian critique of positivism, and particularly positivism in social science, as being the ideological disguise under which, instead of the promotion of science and knowledge for the advancement of the human condition (emancipation), the task of science became that of looking for mere technical solutions for all problems, including those of a social nature, thus taking most, or all, of the dominant social arrangements as a given. Ashley used Habermas's notion of "knowledge-constitutive interests", whereby humans have a transcendental interest in "securing freedom from unacknowledged constraints, relations of domination, and conditions of distorted communication and understanding that deny humans the capacity to make their future through full will and consciousness",[100] an interest which goes beyond technical interests (control over nature) and practical interests (maintenance of mutual communication and understanding). A similar position was subsequently articulated by Robert Cox[101] in a different fashion. But Ashley has successively shifted away from Habermas's sociology, ending what Darryl Jarvis[102] has named a "heroic phase" of his work, followed by a "subversive phase", in which he has moved closer to fully post-structuralist positions,[103] in this sense distinguishing himself from those who have

[97] Yosef Lapid, "*The Third Debate: On the Prospects of International Theory in a Post-Positivist Era*", in *International Studies Quarterly*, 33/3, 1989, pages 235–54.
[98] Thomas Diez and Jill Steans, "*A Useful Dialogue? Habermas and International Relations*", in *Review of International Relations*, 31, 2005, pages 127–140.
[99] Ole Wæver, "*Figures of International Thought. Introducing Persons instead of Paradigms*", in Iver Neumann and Ole Wæver (eds), *The Future of International Relations: Masters in Making*, New York: Routledge, 1997, pages 1–37.
[100] Richard Ashley, *Political Realism*, page 227.
[101] Robert Cox, "*Social Forces, States and World Orders: Beyond International Relations Theory*", in Robert O. Keohane (ed.) *Neo-Realism and its Critics*, New York: Columbia University Press, 1986.
[102] Darryl S.L. Jervis, *International Relations and the Challenge of Postmodernism: Defending the Discipline,* Columbia: University of South Carolina Press, 1999.
[103] Richard K. Ashley, "*Untying the Sovereign State: A Double Reading of the Anarchy Problematique*", in *Millennium: Journal of International Studies*, 17, pages 227–262, 1988.
—, "*Living on Border Lines: Man, Poststructuralism and War*", in J. Der Derian and M. Shapiro (eds.) *International/Intertextual Relations: Postmodern Readings in World Politics*, Lexington MA: Lexington Books, 1989.

instead continued to introduce Habermas's sociology (and philosophy) into IR. It is possible to identify essentially two main Habermasian voices in the continuation of this debate: the first is Mark Hoffmann, and the second Andrew Linklater. Hoffmann[104] envisaged and advocated the further development of IR theory as critical theory in the tradition of the Frankfurt School, but especially through Habermas, as a means to progress beyond the existing paradigms, in order to "create a new focus within the discipline of International Relations that is post-realist and post-Marxist".[105]

Linklater[106] has also indicated the Habermasian way as the one which a post-positivistic, and already clearly established (although extremely diverse) critical school of thought in IR studies, should have taken, especially considering the debates concerning the nature of the state and state power, particularly around the idea of inclusion/exclusion in political communities, that were dominant at that time. On this point, Linklater suggested that "Habermas's analysis of social learning sets out some of the fundamental ideas which can be incorporated within a sociology of logics of inclusion and exclusion in international relations [sic]. More specifically, it may be useful to ask if modes of inclusion and exclusion are the result of the interplay between the sorts of learning processes which Habermas identifies."[107]

By this point, however, the relevance of Habermas becomes less related to the critique of positivism in the social sciences; the attention paid to his work, as already clearly visible in Linklater, begins to focus on the nature of critique, and in the IR context the sort of critique that IR studies should embrace and why, as well

[104] Mark Hoffmann, "*Critical Theory and the Inter-Paradigm Debate*", in *Millennium: Journal of International Studies*, Volume 16, No. 2, pages 231–249, 1987.
—, "*Conversations on Critical International Relations Theory*", in *Millennium: Journal of International Studies*, Volume 17, No. 1, pages 91–95, 1988.
[105] Hoffmann, "*Critical Theory*", *op. cit.*, page 244.
[106] Andrew Linklater, *Men and Citizens in the Theory of International Relations*, London: MacMillan Press, 1990.
—, *Beyond Realism and Marxism: Critical Theory and International Relations*, London: MacMillan Press, 1990.
—, "*The Question of the Next Stage of International Relations Theory: A Critical-Theoretical Point of View*", in *Millennium: Journal of International Relations*, 21/1, pages 77–98, 1992.
[107] Linklater, "*The Question of the Next Stage*", *op. cit*, page 95.

as questions of justice at the international level, which will be discussed in the next two sections.

3.4.3 *Habermas and critique*

The question of critique in IR theory, namely the way in which a critical theory of IR should be formulated, its goals, tools and philosophical foundations, has fractured the broader camp of the anti-positivists since the 1980s. Robert Keohane, in a famous paper with the title *International Institutions: Two Approaches*,[108] suggested that the IR discipline was divided between a "rationalist mainstream" and a periphery of fragmented "reflectivist" approaches, which ultimately constitute, up to the present, the landscape in which we can situate the Habermasian contribution to the creation of a critical IR theory. In this sense it is important to distinguish between a "critical theory" of IR, which encompasses all post-positivist, reflectivist approaches, from a "Critical Theory", the one that explicitly draws on the cultural heritage of the earlier Frankfurt School (particularly Horkheimer), and then of Habermas. Those who do not share a Habermasian orientation in critical studies tend to rely more heavily on a neo-Gramscian analysis or alternatively on the intellectual heritage of Nietzsche and his condemnation of modernity, through the filter of Foucault and Derrida's work. This latter set of positions are normally grouped under the denomination of post-structuralism.

The fragmentation of the reflectivist camp[109] can be seen as a result of the final turn taken by the first generation of the Frankfurt School with Horkheimer and Adorno'spublication of *The Dialectic of Enlightenment* (1947), as already described above. A loss of hope in the understanding of the Enlightenment as an emancipatory project for mankind, the central theme of this work, is certainly the starting point of different strategies in philosophical and sociological research, either directed at the acceptance of this negative condition and the elaboration of

[108] Robert Keohane, "*International Institutions: Two Approaches*" in *International Studies Quarterly*, 32, pages 379–396, 1988.
[109] Nicholas Rengger and Ben Thirkell-White (eds.), *Critical International Relations Theory After 25 Years*, Cambridge: Cambridge University Press, 2007.

further analyses of it, or alternatively rejecting Horkheimer and Adorno's conclusions, with the elaboration of new paths on which human emancipation could proceed. Habermas's critical thought, particularly with the systematisation attained in a comprehensive sociological theory (the above mentioned TCA), gestures towards this direction and preserves therefore a core of optimism about the final destiny of mankind and its emancipatory trajectory.

3.4.4 *Critical IR Theory*

Within IR literature, Andrew Linklater is the scholar who has developed the most comprehensive inclusion of Habermas's work — in an attempt to establish his TCA as the central theory in the critical movement, a theory distinguished by its "desire to foster an "inter-subjective conversation" aimed at mutual understanding and communication free from ideological domination." For Linklater, this conversation has been grounded "in the interest of discovering the universal conditions of communication and so avoided what was often held to be a notorious pitfall of post-positivism, moral relativism, by providing a formal and process-oriented rather than a substantive definition of political alternatives".[110]

In his successive works Linklater[111] develops an argument for the overcoming of the state as the centre of the ethical foundation of political life. He has stressed the irrationality and arbitrariness of the difference between moral obligations due to fellow citizens and those due to the rest of mankind, pointing to how the tension between the dimensions of "man" (a member of the human race) and those of "citizen" has been constantly solved by giving preference to the latter. Linklater sets out to demonstrate that injustice arises precisely from this logic of *exclusion*, while

[110] Diez and Steans, "*A Useful Dialogue*?", *op. cit*., page 134.

[111] Andrew Linklater, *Men and Citizens in the Theory of International Relations*, London: MacMillan Press, 1990.
—. *Beyond Realism and Marxism: Critical Theory and International Relations*, London: MacMillan Press, 1990.
—, *The Transformation of Political Community: Ethical Foundations of the Post-Westphalian Era*, Cambridge: Polity Press, 1998.
—, *International Relations: Critical Concepts in Political Science*, London: Routledge, 2000.
—, *Critical Theory and World Politics: Citizenship, sovereignty and humanity*, London: Routledge, 2007.

the normative goal of his work is to foster inclusion by enlarging the boundaries of the community beyond the narrow horizon of state-citizenship. Inclusionary political communities must be organised around democratic institutions, based in turn upon discourse ethics (*Diskursethik*). With this term Linklater explicitly refers to Habermas's TCA and its subsequent developments in the field of moral and politics.[112] Linkalater believes that discourse ethics could provide the guidelines for a legitimization of political decisions based on fairness and grounded in unconstrained, open and non-exclusionary dialogue. The political community is here essentially conceived as a dialogical community, in which the only prevalent force must be that of the better argument, and any deliberation has to be built around reasoned consensus. Resting on rational foundations, this normative project can be extended to all rational beings, i.e. potentially to the whole of mankind, and pave the way towards a world political community and world citizenship. A world citizenship comprehensive of world democratic representative institutions — Habermas refers to "domestic world politics" or *Weltinnenpolitik* —[113] becomes therefore the most advanced concept around which a normative model of world order has been elaborated by this strand of Critical Theory in IR.

A rather similar theory, although much more oriented towards sociological analysis and *Praxis*, has been put forwards by David Held, who has also conducted explorations of the meaning of critique and its theoretical elaboration.[114] Held has stressed the importance of keeping emancipation at the centre of critical thinking, while adapting its meaning and practical formulation to a world radically transformed by globalisation processes,[115] essentially through a re-elaboration of democ-

[112] Cf. Jürgen Habermas, *Faktizität und Geltung. Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaates*, Frankfurt am Main: Suhrkamp Verlag, 1992 (English translation by William Rehg: *Between Facts and Norms*, Cambridge MA: MIT Press, 1996).
—, *Die Einbeziehung des Anderen. Studien zur politischen Theorie*, Frankfurt am Main: Suhrkamp Verlag, 1996 (English translation by Ciaran P. Cronin and Pablo De Greiff: *The Inclusion of the Other* — Studies in Political Theory, Cambridge MA: MIT Press, 2000).
—, *Die postnationale Konstellation. Politische Essays*, Frankfurt am Main: Suhrkamp Verlag, 1998 (English translation by Max Pensky: *The Postnational Constellation*, Cambridge MA: MIT Press, 2001).
[113] Habermas, *Die postnationale Konstellation*, page 164.
[114] David Held, *Introduction to Critical Theory: from Horkheimer to Habermas*, London: Polity Press, 1989.
[115] David Held, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*, Stanford: Stanford University Press, 1995.
—, *Cosmopolitan Democracy: An Agenda for a New World Order* (with Daniele Archibugi), Cambridge: Polity Press, 1995.

racy. For Held, "globalization, global governance and global challenges raise issues concerning the proper scope of democracy, and of a democracy's jurisdiction, given that the relation between decision- makers and decision-takers is not necessarily symmetrical or congruent with respect to territory". [116] Held has stressed the necessity of promoting a more comprehensive (social democratic) agenda for global governance in the long run. The answer to that necessity lies in a new social democratic multilateralism,[117] and in the full implementation of a global social democratic polity articulated in an expanding framework of states and agencies bound by the rule of law, democratic principles and human rights. That kind of global polity would need to establish an overarching network or democratic public *fora*, covering cities, nation states, regions and the wider transnational order, with the aim of establishing a deliberative process the structure of which is grounded (in truly Habermasian fashion) in an expectation of rationally acceptable results.[118]

Another important IR author who has worked on Habermas's TCA and its possible application in the field of IR studies is Fred Dallmayr,[119] whose work is characterised by a political-philosophical engagement with questions of inter-cultural conflicts, seemingly in response to Samuel Huntington's famous *The Clash of Civilizations*,[120] as he admits: "Habermas's recent effort to develop a global or genuinely cosmopolitan model of rational communication along cross-cultural lines [...] is a model which, while recognising the importance of cultural and historical differences, seeks to obviate the danger of an impending clash of civilisations".[121] Dallmayr tries in reality to formulate a difficult synthesis between different philo-

—, *Globalization/Anti-Globalization*, Cambridge: Polity Press, 2002.
—, *Global Covenant: The Social Democratic Alternative to the Washington Consensus*, London: Polity Press, 2004.
—, *Models of Democracy*, Cambridge: Polity Press, 2006.
[116] Held, *Global Covenant*, page 98.
[117] Held, *ibidem*, page 107.
[118] Held, *ibidem*, page 109.
[119] Fred Dallmayr, *Beyond Orientalism: Essays on Cross-Cultural Encounters*, Albany: State University of New York Press, 1996.
—, "*Conversation across Boundaries: Political Theory and Global Diversity*", in *Millennium: Journal of International Studies*, Vol. 30, No.2, 2001, pages 331–347.
—, *Integral Pluralism. Beyond Culture Wars*, Lexington KY: The University Press of Kentucky, 2010.
[120] Samuel Huntington, *The Clash of Civilisations: Remaking of World Order*, New York: Simon & Schuster, 1996.
[121] Dallmayr, "*Conversation across Boundaries*", *op. cit.*, page 346.

sophical perspectives, bringing Gadamer, Oakeshott and Habermas closer to each other by stressing the relevance of their hidden dialogue when the common element of the primacy of communication, conversation and language is considered. Specifically on Habermas, Dallmayr appears profoundly fascinated by the possibility of engaging and including the Other through a rationally constructed procedural mechanism that can provide fairness and mutual understanding, but on the other hand he appears conscious of the very controversial status of Habermas's TCA, and he appears to side at least partially with the post-structuralist criticisms against Habermas. Dallmayr advocates therefore a middle ground solution between Habermas and Oakeshott in the synthetic concept of a thick dialogue, where "the mode of communication is no longer narrowly tailored to rational validity claims, but open to vernacular experiences".[122]

In this respect, thick dialogue remains closely attentive to the "sufferings of vulnerable creatures". In Dallmayr's reading of Habermas, "dialogue here is no longer a simple ego-alter ego interaction, but rather an encounter between mutually decentred agents involved in a transformative event". This transformation occurs with a degree of reciprocal emotional involvement, whereby the "thick conversation" becomes meaningful with the emergence of "love and friendship; both of which involve a form of self-transgression, in the sense that both are predicated on self-giving rather than an attempt to appropriate or assimilate the other." Dallmayr is eager to make the point that such conceptualisation of thick conversation "may well be the most urgent need in our world today." It is in this sense important to highlight the idea of self-transgression inherent to the opening towards reciprocal love and friendship, precisely because "the point of such conversation is not to dominate, manipulate, or lecture others 'from on high', but to take them seriously in their lifeworlds as members of the global community." In other words, then, for Dallmayr, "the urgent need today is not so much to analyse, rationalize or control different lifeworlds, but rather to befriend people in their lived contexts all around the world".[123]

[122] Dallmayr, ibidem, page 346.
[123] Dallmayr, *ibidem*, page 346.

The limits of Dallmayr's position remain tied to the rather eclectic nature of his work in this domain. The way in which Habermas is introduced into the broader picture of intercultural dialogue is indeed appealing, especially in terms of the overall normative direction of Dallmayr's work, but it cannot avoid the difficulty, indeed the impossibility, of integrating philosophical systems which are based on very different, if not fundamentally opposed, intellectual assumptions.

3.4.5 *Habermasian Constructivism*

In parallel to Linklater and Held's re-elaboration and adaptation of Habermas's TCA to the IR studies, another important discussion occurred in the 1990s within the German IR community, an exchange between "rationalists" and "constructivists", which is normally referred to as the "ZIB debate", from the name of the journal in which it took place: *Zeitschrift der Internationalen Beziehungen*.[124] The debate started with a paper by Harald Müller[125] in which he stressed how rationalist accounts of interstate cooperation ignore communication, the nature of language and its rational structure, and that such an omission undermines rationalist theories on cooperation. This is better described, explained and even enhanced by incorporating a Habermasian analysis of the phenomenon, whereby it is precisely in the dynamics of communication that cooperation and mutual agreement can be achieved through exchange of argument, in a dialogical environment free of distortions. In Müller's narrative of the opposition between communicative and other forms of social actions, "Communicative action depicts an interaction in which actors attempt to coordinate actions by reaching agreement on the definition of the situation and the norms to be applied to it. In contrast to strategic action, actors do not pursue their interests by deception, promises or threats. Rather, actors try to gain agreement by proposing and evaluating arguments."[126] Müller's initial

[124] See Gerard Holden, "*The State of the Art in German IR*", in *Review of International Studies*, 30, pages 451–458, 2004; Nicole Deitelhoff and Harald Müller, "*Theoretical Paradise — Empirically Lost? Arguing with Habermas*", in *Review of International Studies*, 31, page 167–179, 2005.
[125] Harald Müller, "*Internationale Beziehungen als kommunikativen Handeln*", in *Zeitschrift für Internationalen Beziehungen*, 1, 1994, pages 15–44.
[126] Deitelhoff and Müller, "*Theoretical Paradise*", *op. cit.*, page 168.

position[127] was successively strengthened by the contributions of other scholars[128] before being internationalised,[129] although the same author has lately recognised the limit of Habermasian theory in its applications, when the findings of empirical research lead him to the conclusion that "arguments are effective to the degree that they are able to resonate with wider-held beliefs of the recipients. This so called "match"-argument highlights the necessity for speakers to use reasons that are intelligible to their audiences." Another problem arises in relation to who is uttering a certain argument, as "speakers seen as trustworthy persons who legitimately claim moral authority or credible know- ledge, are more successful with their argumentation."[130]

Thomas Risse has emerged from the ZIB debate as another proponent of Habermas's TCA within the IR theory domain, gradually reaching a theoretical position very similar to that of David Held, together with a common interest in the empirical issues of global governance and North- South relations.[131] With Müller and Risse, nevertheless, a movement is discernible away from a full critical theory of IR towards a more moderate Habermasian constructivism. Risse's attempt to apply Habermas's TCA to international politics has been explicitly introduced as a way to bridge the gap between constructivism and rationalism, in the conviction that the epistemological differences between the two are not incommensurable. Risse's initial epistemological point is that "regarding epistemology, constructivists of various orientations disagree among themselves as to the possibility of making truth

[127] Harald Müller, "*Spielen hilft nicht immer. Die Grenzen des Rational-Choice-Ansatzes und der Platz der Theorie des kommunikativen Handelns in der Analyse internationaler Beziehungen*", in *Zeitschrift der Internationalen Beziehungen*, 2, pages 371–391, 1995.

[128] Especially Thomas Risse-Kappen, "*Reden ist nicht billig. Zur Debatte um Kommunikation und Rationalität*", in *Zeitschrift der Internationalen Beziehungen*, 2, pages 171–189, 1995.

[129] Cf. Thomas Risse, "*Let's Argue! — Communicative Action in World Politics*", in *International Organization*, 54/1, pages 1–39, 2000; and Harald Müller, "*Arguing, Bargaining and All That: Communicative Action, Rationalist Theory and the Logic of Appropriateness in International Relations*", in *European Journal of International Relations*, 3, pages 79–99, 2004.

[130] Deitelhoff and Müller, "*Theoretical Paradise*", op. cit., page 175.

[131] Thomas Risse, "*Die Macht der Menschenrechte. Internationale Normen, kommunikatives Handeln und politischer Wandel in den Ländern des Südens*", (with Anja Jetschke and Hans Peter Schmitz) in *Weltpolitik im 21. Jahrhundert*, Volume 7, Baden-Baden: Nomos Verlag, 2002.

—, *Menschenrechte — Globale Dimensionen eines universellen Anspruchs*. (ed. with Nicole Janz) Baden-Baden: Nomos Verlag, 2007.

Thomas Risse and Ursula Lehmkuhl (eds.), *Regieren ohne Staat? Governance in Räumen begrenzter Staatlichkeit*, Baden-Baden: Nomos Verlag, 2008.

claims and generalizations in social sciences. But the methodological, epistemological, and ontological differences between, say, sophisticated rational choice and moderate social constructivism are usually vastly overstated". For Risse indeed it is possible to conceptualise every mode of action "an ideal type that rarely occurs in pure form in real life". If it is true that empirical "games" played by "real actors" are normally a combination of a variety of social interaction modes, then the "differences among metatheoretical orientations, such as rational choice capturing the logic of consequentialism, on the one hand, and social constructivism encompassing both rule-guided and deliberative behavior, on the other", should not be exaggerated. Consequently, Risse argues for a pluralistic approach to epistemology, by articulating that view that, "if behavior in the real social world can almost always be located in some of the intermediate spaces between [logic of arguing, logic of consequentialism and logic of appropriateness], one single meta-theoretical orientation probably will not capture it". A reflection on epistemological problems is useful precisely in capturing this dimension, and the controversies arising in this area of studies "mainly focus on how far one can push one logic of action to account for observable practices and which logic dominates a given situation".[132]

Risse's approach can be seen as one of the several attempts to reduce the divergences between scientific assumptions of rationalism and epistemological claims of social constructivism, after the most famous example of Alexander Wendt *Social Theory of International Politics*.[133] Habermas's ideas play a pivotal role in the work of Christian Reus-Smit, whose constructivist approach is dominated by the idea of the stratification of knowledge within society, which is reflected in the social construction of practices and norms also at international level. Reus-Smit's theoretical position appears as a rather sophisticated integration of historical sociology, Habermasian discourse theory and constructivism, mainly centred on those evolutionary processes and discourse-permeated properties of political structures, including the norms of international society.[134] Those norms are part of a discursive and historical process which constructivists have neglected to explore, but it is precisely these

[132] Risse, "*Let's Argue*", *op. cit.*, page 3.
[133] Alexander Wendt, *Social Theory of International Politics*, Cambridge: Cambridge University Press, 1999.
[134] Christian Reus-Smit, *The Moral Purpose of the State*, Princeton: Princeton University Press, 1999.

"discursive mechanisms [as described by Habermas] that link inter-subjective ideas of legitimate and rightful state action to constitutional fundamental institutions".[135] Reus-Smit has concentrated on the issue of legitimacy and how this is produced, namely through a discursive process and mechanisms of moral persuasion, which he explains in pure Habermasian fashion in the example he puts forward, whereby "actors seeking legitimacy make legitimation claims that appeal to particular social values, actors whose support is desired make their own legitimation claims (appealing to the same or different values, with the same or different interpretations), and through this whole process the architecture of social norms is constituted and reconstituted". The legitimacy of an actor, in Reus-Smit's Habermasian re-elaboration, can be established and maintained "when its self-representations and institutional interpretations resonate with the normative expectations of other actors". While crises of legitimacy may constantly occur, these can only be solved when these normative expectations are reconciled, and "when the discordance that has eroded social recognition is overcome". Legitimacy crises are "resolved through a [...] process of communicative clarification or reconstitution, [...] between the representations and interpretations of the actor in crisis, the expectations of other actors, and the communicatively constituted norms of the social order".[136]

3.4.6 *Contra Habermas: Alternative Critical Paths*

This overview of Habermas's impact on IR studies cannot be concluded without returning to the issue of critique in IR and the debate that emerged after a critical strand was established in this discipline, at least from the 1980s onwards. While, as illustrated above, Linklater and Held have promoted a view of critique along the lines of the Frankfurt School and the Habermasian TCA, this move did not attract a vast consensus within the critical movement, not even, effectively, a majoritarian one. As we have seen, Habermas has built his philosophical and sociological posi-

[135] Reus-Smit, *ibidem*, page 26.
[136] Christian Reus-Smit, "*International Crises of Legitimacy*", in *International Politics*, 44, pages 157–174, 2007, page 172.

tion around the rejection of Horkheimer and Adorno's pessimistic conclusions in their *Dialectic of the Enlightenment* and on the possibility, instead, of re-building and accomplish the emancipatory project of the Enlightenment.[137] His work, from his critique of positivism in social sciences to the full elaboration of the TCA, is in any case presented as a quest for truth, and his universal (formal) pragmatics as a product not of metaphysical investigation, but of a philosophical science of language, upon which it is possible to promote a rational discourse of politics and ethics.

Habermas's rejection of *The Dialectic of the Enlightenment* can be seen more broadly as a rejection of Nietzsche's negative view on modernity, which is instead the starting point of many of those IR theorists who, while participating in the anti-positivist current, tend the see the foundation of their theoretical work in the philosophies of Foucault and Derrida, who were themselves strongly influenced by Nietzsche's work.[138] While Habermas's critique of postmodernism has been largely based on the argument of relativism, his theory and its indirect use within IR has been criticised on the opposite ground of his commitment to universalist categories and principles. In particular William Connolly,[139] in his discussion of the issue of pluralism, has highlighted the tendency to link diversity to fragmentation, where this latter concept reflects a situation of incompleteness, which has to be restored through the occupation of an authoritative centre. Connolly suggests instead a network model, without centre, based on interconnections and an ethos of pluralism, with the idea of "convergence" at its core, which should remain nevertheless "only one ideal to pursue among others". The challenge is the creation of a "political culture of multi-dimensional diversity", which will also be the milieu where "the quest for convergence often gives ground to the pursuit of multiple connections of respect across persisting differences, issuing in what might be called a political cul-

[137] Jürgen Habermas, *Der philosophische Diskurs der Moderne. Zwölf Vorlesungen*, Frankfurt am Main: Suhrkamp Verlag, 1985. (English translation by Frederick Lawrence: *The Philosophical Discoure of Modernity. Twelve Lectures*, Cambridge MA: MIT Press, 1987).

[138] Richard Devetak, "*Postmodernism*", in *Theories of International Relations*, Basingstoke: Palgrave MacMillan, pages 161–187, 2001.

[139] William Connolly, *The Ethos of Pluralization*, Minneapolis: University of Minnesota Press, 1995.
—, "*Cross-State Citizen Networks: A Response to Dallmayr*", in *Millennium: Journal of International Studies*, Volume 30, No.2, 2011, pages 348–55.

ture of positive connections through relations of agonistic respect". This positive pluralistic ethos, when conceived within the boundaries of the state and its political community, would allow the citizens to "cultivate presumptive receptivity to new drives to pluralisation, coming to terms self-critically with how old patterns of diversity often encourage them to exclude or marginalise emerging constituencies to whom they could otherwise connect positively". A thick political culture has to be sustained by a "network pluralism", although "this is a thickness in which the centre devolves into multiple lines of connection across numerous dimensions of difference." Network pluralism cannot be simply reduced to "national pluralism, enclave (fragmented) pluralism, or procedural images of secular public culture." It requires a "general ethos to sustain itself". However, this ethos may not take the form of "a robust set of commonalities grounded in the same source" nor can it be the sheer expression of a "general commitment" to shared procedures. Connolly clearly makes the point instead that "a positive ethos of network pluralism negotiates reciprocal self-modesty, presumptive generosity and forbearance in relations between a variety of interdependent constituencies".[140]

Kimberly Hutchings[141] has developed a series of arguments criticising Habermas, whom she understands "as a theorist working in a predominantly Kantian mode, whose critical theory replays Kantian paradoxes both in terms of its account of the critical work of the philosopher and of its account of morality, politics and history".[142] Firstly, in parallel with a broader discussion of Kant's critique, Hutchings has argued that Habermas has incurred in a contradiction similar to the one already present in Kant's work and model of critique (to whom Habermas continuously refers). One may in fact envisage in Kant's philosophy the aporia of a reason that is supposed to discover its own limits (transcendental a priori categories), but which should do this by stepping beyond those very limits, in order to establish them as a foundation for critical thought. We cannot see those limits, if we do not escape the constraints of reason first, but then we are no longer able to justify

[140] Connolly, "*Cross-State Citizen Network*", *op. cit*., pages 351–352.
[141] Kimberly Hutchings, *Kant, Critique and Politics*, London and New York: Routledge, 1996.
[142] Kimberly Hutchings, "*Speaking and Hearing: Habermasian Discourse Ethics, Feminism and IR*", in *Review of International Studies*, 31, 2005, pages 155–165, page 156.

and explain them rationally, or the process that leads to their discovery. Habermas apparently incurred in a similar contradiction. While it may sound intuitively plausible that there are formal pragmatics to be discovered in patterns of communication (under particular circumstances and when communication is aimed at understanding), Habermas's critique appears, again, grounded in something that its author cannot demonstrate, only positing it as a hypothesis.[143] But then, if formal pragmatics are instead simply to be viewed as a hypothesis — as Hutchings suggests — does not this mean that Habermas is actually engaged in some form of metaphysics? This, then, is another possible paradox, formal pragmatics cannot be proven by Habermas, and thus in this way resemble a form ofmetaphysical construction. But the philosopher intends them as precisely those ontological elements that allow the overhaul of metaphysics. Hutchings claims further that Habermas, in his account on the evolution on modern societies, and by proposing a separation between a dynamics and a logic of history, relies on a belief that some sort of progress is actually taking place, and a belief in the form of dialogic rationality finding its way through superior processes of rationalisation. But again, the formal pragmatics that should enable this logic to proceed through history cannot be proven and remain a hypothesis. Habermas appears at this point as the author of a philosophy of history, despite his claims to the contrary.

A second attack on Habermas's position has been moved by Hutchings within feminist IR theory, where the polemic with Habermas has concentrated on his formulation of the public sphere. This Habermasian public sphere, it has been argued, is a hopelessly gendered construction, and has therefore little to offer from a feminist emancipatory perspective.[144] Hutchings explicitly argues that with regard to "his substantive sociology and social-psychology of modernity, Habermas appears to have little to offer feminists". His narrative of modernity dedicates very limited investigation to gender issues and "incorporates some elements which feminists have identified as inherently masculinist within the liberal tradition". On a

[143] Hutchings, *Kant, Critique and Politics*, pages 71–72.
[144] See also Nancy Fraser, "*What's Critical about Critical Theory? The Case of Habermas and Gender*", in *New German Critique*, 35, 1985, pages 97–131; Brooke Ackerly, "*Women's Rights Activists as Cross-Cultural Theorists*", in *International Feminist Journal of Politics*, 3/3, 2001, pages 311–46.

macrosociological level, Habermas's theory of social ontology as based on a life-world/system distinction and the modern public sphere has been subjected to criticism for the way in which it "does little to challenge the liberal private/public distinction". Particularly the family "as in traditional liberal theory, becomes bracketed out of consideration as a sphere of power and a potential focus for discursive critique in the public sphere." With respect to his socio-psychological account of the individual, "Habermas appears to endorse a conception of the human subject which embodies the rationalist bias of the Western philosophical tradition of which feminists have been consistently critical." As Hutchings explains, this bias is grounded "on a binary logic in which the feminine is denigrated as the "other" of reason, and a great deal of feminist philosophical argument has been developed to re-think and overcome that logic". Particularly with the endorsement of Kohlberg's account of moral maturity, "Habermas sets himself against arguably the most influential argument in feminist moral and political theory, which is Carol Gilligan's case in *In a Different Voice* for the distinct, but equally valuable mode of post- conventional moral reasoning displayed by women as opposed to men".[145]

Habermas's attempt to establish a new route towards emancipation, through rational enquiry based on a philosophical science of language and communication, does not go unchallenged: on the contrary, it has proven very controversial. Particularly due to a lack of consensus concerning the meaning of critique within the IR literature, despite the importance of Linklater's position, the philosophical presuppositions found in the different strands of critical theory cannot easily reach a synthesis, despite their largely shared Marxist root. The dichotomy between those who fundamentally accept the theses of Horkheimer and Adorno's *The Dialectic of Enlightenment*, and those who, like Habermas, reject them in the continuing hope of finding new ways towards emancipation, is not just the result of academic disputes, but of the historical experiences of the Western world in the twentieth century, namely the rise of totalitarianism, and the question of whether or not those experiences still allow any space for the exercise of such intellectual optimism. Despite the end of the Cold War, globalisation and 11/9, it seems that most of the

[145] Hutchings, "*Speaking and Hearing*", page 156.

fundamental orientation in the intellectual work of critical theory has not moved away significantly from the post Second World War historical perspective, to which most of the current political imagery also remains tied. This can also explain the rather univocal interpretation of Habermas and his work, which does not present, as may be expected for an author of such prolificness and complexity, a variety of different readings, but only of different applications in a variety of fields, in social sciences and, within IR, in a number of sub-fields and specialist discussions.

It is possible to hypothesise that the state of Habermas's interpretation, as well as the fragmentation of critical theory, will remain unchanged in its key dimensions as long as future major historical events do not divert our attention from the Second World War, thus introducing a new perspective into the Western world.

3.5 CONCLUDING REMARKS

In this chapter the role of Habermas in envisaging a theory of order for international politics has been explored by identifying the constitutive elements of his theoretical position, which are to be understood in the context of his intellectual project for the reinstatement of modernity as rationalisation, and by examining Habermas's impact on IR studies through its articulation within various debates. Habermas presents a possible theorisation of order that descends directly from the re-conceptualisation of rationality, which constitutes the fundamental core of his concept of order. The dialogic nature of Habermasian rationality implies the reconstruction of a political theory according to the concept of dialogic communities and the consequent re-thinking of democratic legitimacy as a continuous mediation between the public sphere and the representative institutions producing the law. At the international level, order should be constructed along similar lines (to the extent that the contingent circumstances of the incomplete rise of a world public sphere makes this possible), moving in the direction of a progressive constitutionalisation of international law principles, by means of expanding and strengthening the current UN system.

However, the Habermasian model of order has not escaped criticism, and from several quarters, essentially clustering around the feasibility of an inter-subjective turn in the study of rationality, and around the possible non-inclusiveness of the public sphere as envisaged by Habermas. As will also be highlighted in the successive chapters, for the sake of the conceptualisation of order it appears that Habermas's reconstruction of rationality as emerging entirely from a post-metaphysical perspective still has to prove the crucial point of the effective overcoming of metaphysics, and of religious and theological accounts of order in favour of a scientific understanding of order as an entirely socially determined *logos*.

Despite the controversial aspects of Habermas's position, his influence on IR critical theory has been substantial, as it has entered numerous debates, both epistemological and more specifically political, generating a number of re-elaborations and adaptations to the specificity of the discipline. In this sense therefore, the Habermasian idea of order as emerging from rationalisation forms the core of the philosophical underpinnings for the positions of several IR theorists, despite their differences, particularly, as discussed above, for Andrew Linklater, Chris Reus-Smit, David Held and Fred Dallmayr. Nevertheless, particularly in the case of issues related to intercultural dialogue, as highlighted by Dallmayr and his idea of "thick dialogue", there seem to be important elements of political life which are not clearly accommodated in the context of a conceptualisation of the political based on dialogical communities, and the resulting political order.

If the concept of order, as shown in Chapter 1, has been since the beginning originating from philosophical and theological discussions, it appears that the conceptualisation of order as in the Habermasian fashion is dependent on a previously established context of successful secularisation (in the form of linguistification of the sacred and consequent deconstruction of theological narratives of politics). Of course, Dallmayr seems to suggest, here there could be a Eurocentric bias in the theoretical model, as the sort of secularisation commonly found in the Western world may not be encountered in every part of the planet. From here arises therefore the necessity of shifting the conversation from the rational evaluation of valid-

ity claims to the establishment of friendship.[146] This is a significant point, which highlights the unresolved relation with the metaphysical, the mythical and the theological within Habermas's model of order, which appears to be dependent on an account of successful secularisation which, as illustrated by the previous discussion of Schmitt's position in Chapter 2, is far from being sufficiently stable.

Going back to Rengger's question on what can guarantee order in the modern condition, while Schmitt indicates how order is still based, at its foundations, on metaphysical and theological accounts of the world and of politics, but simply disguised as a consequence of secularisation, Habermas represents the opposite radical perspective. While Schmitt claims ultimately that secularisation has not been able to transform the essence of politics, Habermas is convinced that modern politics presupposes a successful process of secularisation, i.e. one in which the deconstruction of the mythical and the metaphysical has been carried out to the point of their complete overhaul, and secondly (and most importantly), that such a successful secularisation has taken place, thus creating a break with previous ways of conceptualising order, while a new way, typically modern, can finally arise.

It is therefore important to explore the ways in which these two radically opposite forms of conceptualising order have been interacting, particularly in the fashion in which Habermas has established his position vis-à-vis Schmitt, and in the exploration of Schmitt and Habermas's engagement with the specific problem of secularisation, which this research investigates through a reading of the common genealogy of the two authors with Max Weber and his sociology of religion. The next two chapters are therefore dedicated, respectively, to Habermas's reading of Schmitt (Chapter 4) and to their engagement with Weber (Chapter 5) and theology.

[146] Dallmayr, *Conversations across Boundaries*, op. cit., page 346: The lessons of these observations for global diversity are evident. Conceived in terms of self-transgressive friendship, thick conversation may well be the most urgent need in our world today. The point of such conversation is not to dominate, manipulate, or lecture others 'from on high', but to take them seriously in their lifeworlds as members of the global community. Differently put: the urgent need today is not so much to analyse, rationalize or control different lifeworlds, but rather to befriend people in their lived contexts all around the world.

4

HABERMAS'S READING OF SCHMITT

INTRODUCTION

Once the two radical possible perspectives from the conceptualisation of order in response to Rengger's question about its guarantee within the context of modernity have been described, it is possible to explore how they interacted, in order to further clarify, by highlighting differences and possible convergences between the two theoretical positions, the constellation of elements which are at the basis of the concept of order and of the problems inherent to its conceptualisation. This chapter provides consequently an examination of Habermas's reading of Schmitt, which serves the purpose of understanding the way in which Habermas has confronted the issue of Schmitt's political theology in the context of twentieth century culture. It first presents a contextualisation of the problematic use of Schmitt within the Frankfurt School, particularly after Herbert Marcuse's 1934 article *The Struggle Against Liberalism in the Totalitarian View of the State*. From the analysis of Habermas's early work on the public sphere, some authors have envisaged the possibility of a direct influence of Schmitt on Habermas, although with closer scrutiny it appears difficult to argue that Schmitt has ever represented a key source for Habermas. Secondly, this chapter concentrates on the explicit judgement formulated by Habermas on Schmitt in a brief publication entitled *Die Schrecken der Autonomie: Carl Schmitt auf Englisch* (literally: *The Horrors of Autonomy: Carl Schmitt in English*), where Habermas presents the rather problematic view that Schmitt should be considered in essence exclusively as a theorist of fascism, belonging to a romantic tradition of thinkers who go back to the Right Hegelians. This chapter also illustrates Habermas's later re-appreciation of a Schmittian concept, namely the *Großraum*,

for the provisional organisation of order in international politics. Finally, an evaluation of Habermas's reading of Schmitt emphasises the way in which Habermas has carefully avoided any direct engagement with Schmitt's political theology, despite the important genealogical link which both share with Max Weber's framing of religion and theology in the modern context. This point is highlighted as the key factor in terms of the conceptualisation of order in both authors.

HABERMAS'S ENGAGEMENT WITH SCHMITT: A BRIEF OVERVIEW

In general, Habermas's engagement with Schmitt's work has been characterised by various movements, and it can be roughly divided in three different periods.

Initially, while still operating within the framework of a critical, largely Marxist, social theory of the late capitalist society (*Spätkapitalismus*), Habermas incorporated in his work some of the key tenets of the Schmittian attack on liberalism, the ideology of the bourgeois. This is particularly evident in his early volume on the public sphere,[1] where Habermas recovers some of Schmitt's themes and reflections about the evolution of the *Rechtsstaat* and law (*Gesetz*) in relation to the ideas of public sphere (*Öffentlichkeit*), publicity (*Publizität*) and capitalistic dynamics.

Another phase is characterised by the rejection of Schmitt's positions on the role of the state and law, and the nature of politics, whereby Habermas embraces those readings of Schmitt which consider the latter not only a fascist, but a theorist of fascism.

The third and most recent phase is the one in which a recovery of Schmittian concepts such as that of *Großraum* has taken place. This is particularly interesting from the perspective of international studies, and appears concentrated mostly on a reflection about the post 9/11 world published under the title of *Der gespaltene Westen* (The Divided West, Habermas)[2] and successively in *Ach, Europa*.[3]

[1] Jürgen Habermas, *Strukturwandel der Öffentlichkeit*, Frankfurt am Main: Suhrkamp Verlag, 1962.
[2] Jürgen Habermas, *Der gespaltene Westen*, Frankfurt am Main: Suhrkamp Verlag, 2004.
[3] Jürgen Habermas, *Ach Europa*, Frankfurt am Main: Suhrkamp Verlag, 2008.

4.1 THE FIRST HABERMAS, SCHMITT AND THE FRANKFURT SCHOOL

In *Strukturwandel der Öffentlichkeit* (*The Structural Trasformation of the Public Sphere*) Habermas explores a series of topics held together by the centrality of the public sphere for the evolution of bourgeois culture, in the historical-political perspective of eighteenth and nineteenth century liberal revolutions, with a constant attention to the relations between the public sphere, the state and the market. Habermas understands this set of relations as a complex domain: on the one hand the public sphere has been the dimension wherein the political consciousness of the bourgeoisie has first risen, and it has become central in the coordination of political efforts against the old regime. It has successively evolved as the framework of intellectual discussions about the forms and mechanisms of the bourgeois, the liberal state, at least in those countries where the victory of this social class was achieved (but with the notable exception of Germany until 1919), and particularly about the concept of law (*Gesetz*) as the privileged tool for the management of the constitutional state, as well as the role of the parliament (*Parlamentarismus*). On the other hand, the liberal state has emerged as the legal-institutional order in which, besides ideals of emancipation and equality, the *private* possession, accumulation, and management of economic wealth has been enshrined in the forms of law.

Famously, Habermas's work on the public sphere has been centred on the argument that the bourgeois *Öffentlichkeit* became subjected to distortive forces (originating in the bureaucratic management of power and in the capitalistic dynamic of money and profit) which have induced a structural modification of its role, both in terms of its validity as domain of free and equal communication and exchange of ideas, and as the intellectual powerhouse of sound liberal (and later: liberal democratic) institutions, particularly parliaments and their legitimation.

Habermas identifies the historical cause of this transformation in the increased complexity of late nineteenth century liberal societies, which were affected by increasing contradictions, particularly the growing political influence exercised

by economic concentration on an unprecedented scale (which had to be countered with the expansion of the suffrage) and the failures of the market economy, which prompted the emergence of more intrusive regulation, if not direct governmental intervention. These clearly ran counter to the original idea of a liberal state resting upon the economic foundation of production and trade of goods, on a limited scale, and on the compromise of a clear separation between state and society.[4] The rise of massive power complexes in the most advanced economies gradually led to a transformation of the classical liberal state into a *Rechtsstaat*. The effects on the public sphere have been of the greatest concern for Habermas: the *Öffentlichkeit*, the domain in which culture is produced and spills over into state and state politics, became a territory of conquest for a cultural industry, while the reasoning public was degraded to a culture-consuming public (*kulturkonsumierendes Publikum*).

The political impact of this transformation is evident in the loss of reciprocal influence between public sphere and liberal institutions. Professional politicians have become increasingly, and later totally, caught up in the structures of power and the need to control political parties. Modern parties have become instruments for the construction of collective will, no longer in the hands of the public, but in the hands of those who control the party apparatus.[5] As such, the parliamentarian regime loses its referent within society, precisely because there is an ongoing fusion between the state and the society, which in Habermas's reconstruction of the classical English parliamentarism, and of the classical English bourgeois public sphere, ought to be kept separated. It has to be nevertheless observed that this very reconstruction of the English, especially the Victorian political-institutional landscape, has been heavily criticised for its alleged historical inaccuracy.[6] Habermas's position in the *Strukturwandel* comes to the conclusion that parliament has lost its function, in the absence of a working public sphere, and yielding to pressures generated by systems of money and power. With the transition from the liberal parliamentary political system to the new system of mass (liberal) democratic *Rechtsstaaten*,

[4] Habermas, *Strukturwandel*, pages 229 ss.

[5] Habermas, *Strukturwandel*, page 246.

[6] Cf. Wolfgang Jäger, *Öffentlichkeit und Parlamentarismus. Eine Kritik an Jürgen Habermas*. Stuttgart: W. Kohlhammer Verlag, 1973; Hartmut Becker, *Der Parlamentarismuskritik bei Carl Schmitt und Jürgen Habermas*, Berlin: Duncker und Humblot Verlag, 1994.

the issue that consequently emerged was the legitimacy of political authority, and the representation of the electorate. Habermas has consequently spent a large part of his academic work and his social-political commentaries on the theoretical conceptualisation and critique of alternative legitimation mechanisms in the context of a mass society.

The transition from bourgeois to mass political regimes, the decline and crisis of parliamentarism, the crisis of legitimation: none of these elements were particularly new to the academic audience in Germany in the early 1960s when *Strukturwandel der Öffentlichkeit* first appeared, not only because of the debates about the possible best constitutional form for the new *Bundesrepublik*, but especially because Habermas's critique of parliamentarism resounded with many elements of the well-known 1924 critique put forward by Carl Schmitt in his *Die geistesgeschichtliche Lage des heutigen Paliamentarismus* (*The Crisis of Parliamentary Democracy*).

As will be illustrated shortly, the parallels between Habermas and Schmitt in the critique of liberalism did not go unnoticed for long. But it is first of all important to remember that the context in which Habermas was working at that time, and specifically with reference to the critical Frankfurt School and its tradition, had a well-established disdain for Schmitt's work. The standard approach to reading Schmitt from a Marxist-critical perspective had been outlined in Herbert Marcuse's 1934 essay *Der Kampf gegen den Liberalismus in der totalitären Staatsauffassung* (*The Struggle Against Liberalism in the Totalitarian View of the State*).[7] While Schmitt had a certain resonance within the Frankfurt School in the 1920s and 1930s, after that time any positive appraisal of Schmitt as a source of inspiration, or critique, substantially disappeared and his work became the target of an all-out confrontation. It is clearly plausible, although not entirely explained,[8] that this break took place mostly due to Schmitt's siding with the NSDAP after 1933.

[7] Available in Herbert Marcuse, *Negations. Essays in Critical Theory*, London: Allen Lane The Penguin Press, translation by Jeremy J. Shapiro, 1968, pages 3–42.
[8] Becker, *Der Pariamentarismuskritik*, page 132.

Marcuse's article endeavours to establish an automatic link between Schmitt, existentialist philosophy and fascism, a link which appears to be at the core of Habermas's reading of Schmitt and the broader critical scholarship on Schmitt. In this article, Marcuse highlights what he perceives to be a continuity between liberalism and fascism, as the latter has indeed managed to preserve most of the *status quo* in the material distribution of wealth and has brought no fundamental change in the power structure of society, as observed from a Marxist perspective. Marcuse argues indeed that "since the social order inherited by liberalism is left largely intact, it is no wonder that the ideological interpretation of this social order exhibits a significant agreement between liberalism and anti-liberalism." Even more precisely, "important elements of liberalism are picked up and then reinterpreted and elaborated in the manner required by the altered economic and social conditions".[9] Marcuse has thus created a discourse whereby the 1930s political landscape appears to be divided into three camps: the Marxist-critical, dying liberalism, and fascist anti-liberalism. It is important to notice here that the whole category of anti-liberalism is assumed to collapse entirely in fascism, and this is the device which is used to associate Schmitt with the theorists of fascism, such as Möller van den Bruck, Gunther Ipsen and Alfred Bäumler. Schmitt is first quoted in Marcuses's article in a footnote,[10] for his contribution to the critique of liberalism as developed in *The Crisis of Parliamentary Democracy*. This comes at a crucial juncture in Marcuse's discourse, where he is explaining the deconstruction of the rational value of liberalism as operated by the promotion of heathen-folkish (*heidnisch-völkisch*) realism. Schmitt is then quoted explicitly as Marcuse reconstructs the problematic relation between a theory of fascism which promotes anti-intellectualism as its flag, and the need to justify the ethic of heroism and sacrifice. Here Schmitt is understood to give some sort of negative definition of the fascist existential ethic, whereby "[in] the universal struggle against reason, justification by knowledge can no longer count as justification." Marcuse argues in fact that, "to the extent that totalitarian theory moves within the bounds of scientific discussion, it becomes aware of this problem." He articulates his attack on Schmitt by underscoring the

[9] Marcuse, *op. cit.*, page 12.
[10] Marcuse, *ibidem*, page 16, footnote 27.

legitimating function of the Schmittian argument, i.e. the concept of the exception in relation to fascism, whereby "sacrificing one's own life and killing other men are demanded. Carl Schmitt inquires into the reason for such sacrifice: "There is no rational end, no norm however correct, no program however exemplary, no social idea however beautiful, and no legitimacy or legality that could justify men's killing one another". What then, remains as a possible justification?" For Marcuse, Schmitt's answer to the question is a dogmatic assertion of an inescapable reality, namely "that there is a state of affairs that through its very existence and presence is *exempt* [emphasis in the original] from all justification, i.e. an "existential", "ontological" state of affairs — justification by mere existence. "Existentialism" in its political form becomes the theory of the (negative) justification of what can no longer be justified."[11]

From this sketchy answer to the problem of the existentialistic foundations of fascism, as possibly supplied by Carl Schmitt, a whole fascist theory of politics seems to be derived, which has at its core the very concept of the political and its friend-enemy dialectic. In such a theoretical construction, "political relationships and conditions are interpreted as existential ones, as in accordance with Being". Furthermore, "political conditions and relationships are now posited as the most emphatically significant factors "deciding" existence." This total polarisation of the political means that "all relationships are oriented in turn toward the most extreme "crisis," toward the decision about the "state of emergency", of war and peace. [...] The basic political relationship is the "friend-enemy relationship".[12]

This existential interpretation of Schmitt's theory of politics leads Marcuse to envisage a Schmittian backing for the theoretical definition of the fascist state, whereby Schmitt's critique of depoliticisation in liberal society and politics opens the way to a total politicisation. Marcuse is explicit in arguing that "behind all economic, social, religious and cultural relations stands total politicisation. There is no sphere of private or public life, no legal or rational court of appeal that could oppose it." These forms of total activation and politicization "do away with the in-

[11] Marcuse, *ibidem*, pages 30–31.
[12] Marcuse, *ibidem*, pages 35–36.

hibiting neutrality of broad strata of the population and create [...] new forms of political struggle and new methods of political organisation. The separation of state and society, which liberalism had attempted to carry out in the nineteenth century, is abolished: the state takes over the political integration of the society.[13] Marcuse concludes by quoting Schmitt again in a footnote, where he links Schmitt's quote about Hitler's *Machtergreifung* on January 30, 1933, namely "on that day, Hegel died", to the fate of existentialism as the self-proclaimed heir of German Idealism; Marcuse thinks instead that "its [of Idealism] decisive achievements were preserved in a new form in scientific social theory and the critique of political economy [i.e. the Marxist critical movement]. Today the fate of the labor movement, in which the heritage of this philosophy was preserved, is clouded with uncertainty".[14]

Returning to Habermas's reading of Schmitt, it is clear that Habermas operated in an environment that was openly hostile to the reception of Schmitt's ideas, and he may have introduced references to Schmitt's work in his *The Transformation of the Public Sphere* only with extreme caution. It was with the essay *Öffentlichkeit und Parlamentarismus*, published by Wolfgang Jäger in 1973, that the lines of connection between Schmitt and Habermas were first highlighted in a more systematic way.[15] Jäger's essay did not arouse an emotional response comparable to Ellen Kennedy's 1986 article.[16] While Jäger limited his analysis to the critique of parliamentarism and the parallel between Schmitt's *The Crisis of Parliamentary Democracy* and Habermas's *The Structural Transformation of the Public Sphere*, Kennedy broadened the scope of her enquiry by encompassing in her analysis the whole of Schmitt's anti-liberal position on the one hand, and on the other the whole of the Frankfurt School's critique of liberal-capitalistic societies. As noted by Peter Haungs, Kennedy's article appeared in the mid 1980s at a time of crisis for the Frankfurt School, and its impact was probably further aggravated by this circum-

[13] Marcuse, *ibidem*, page 36.
[14] Marcuse, *ibidem*, pages 42.
[15] Jäger, *Öffentlichkeit und Parlamentarismus*, especially part VI and the conclusion, pages 78–87.
[16] Ellen Kennedy, "*Carl Schmitt und die »Frankfurter Schule«. Deutsche Liberalismuskritik im 20. Jahrhundert*", in *Geschichte und Gesellschaft*, 12, 1986, pages 380–419.

stance.[17] Becker has highlighted how Jäger anticipated some of the elements upon which Kennedy would later build a more comprehensive argument concerning the connections between Schmitt and Habermas' critiques of parliamentarism.[18]

Jäger pointed out that Habermas's critique of late parliamentarism, at the time of the degradation of the bourgeois public sphere, strongly echoed Schmitt's statements on the same historical reality, by stating that "the largely identical diagnosis put forward by both authors about the historical and modern parliamentarism remains undisputed. Beyond the manifest result of the diagnosis, this is underscored by the fact that Habermas in his »Strukturwandel der Öffentlichkeit« does sometimes name Schmitt as chief witness [*Kronzeuge*] of his analysis".[19] A second element of continuity between the two is finally also the "ambivalence of this idea of parliamentarism in its scientific significance." On the one hand, "the negative result of an analysis on modern parliamentarism is unequivocally compared with a »genuine« parliamentarism as it existed in the past, and this negative result is marked by the loss of function by the parliament"; on the other hand "the idea of parliamentarism dazzles in its peculiar twilight of ideal-typical and empirical or ideological and real content".[20]

Again Ellen Kennedy has pointed instead to a deeper similarity between Schmitt and Habermas's views on democracy, despite the divergence in terms of normative orientations and the debate on a way out from the legitimation crisis in mass societies; according to her reconstruction of the relations between the two authors, Habermas's approach "contains, despite the significant differences in normative goals and political ideals which divide Habermas from Schmitt, the same elements and the same formal argumentation, which constitute the core of Schmitt's critique of liberal ideas and institutions". These elements are listed by Kennedy as "the definition of democracy as a substantial identity, the critique of liberal democracy and its institutions (political parties, state bureaucracy and public opinion), as

[17] Peter Haungs, "*Diesseits oder jenseits von Carl Schmitt? Zu einer Kontroverse um die »Frankfurter Schule« und Jürgen Habermas*", in Hans Meier, Ulrich Matz, Karl Kurt Sontheimer and Paul-Ludwig Weihnacht (eds.), *Politik, Philosophie, Praxis, Festschrift für Wilhelm Hennis zum 65. Geburtstag*, Stuttgart, 1988.
[18] Becker, *Der Parlamentarismuskritik*, pages 132 ss.
[19] Jäger, *Öffentlichkeit und Parlamentarismus*, page 78.
[20] Jäger, *ibidem*, page 78–79.

undemocratic at heart, the emphasis of plebiscitarian legitimacy in opposition to legality, and finally the construction of a close relation between the principles and the reality (*Wirklichkeit*) of the liberal constitution as the decisive methodological approach to an analysis of the West-German political system".[21]

Kennedy's views have been rather predictably rebuffed by Habermas himself, who has pointed out the unbridgeable difference between Schmitt's decisionism and his own conception of democracy, whereby political authority operates within the *Rechtsstaat* under the double condition of the continuous necessity and possibility of legitimation, and this very legitimation having argumentative nature.[22]

It is probably fair to argue that, while Kennedy has been able to identify an important area of underlying relations between Schmitt and Habermas, it is disputable whether this can take the form and the label of a rather straightforward genealogical relation. From a comprehensive overview of both author's research interests, it is not difficult to notice that Habermas's general research direction over the course of his life, particularly whenever it came to issues of political and legal theory, did in fact involve discussions of topics which were almost invariably the same as those previously studied by Schmitt. This not only made engagements with Schmitt inevitable, even if such engagements were normally non-explicit and indirect, but also led to Habermas participating in discussions heavily influenced, at the very least, by Schmitt's work.

Habermas has indeed dedicated a significant amount of effort to trying to find new definitions of the concepts of sovereignty and legitimation — both at the centre of Schmitt's interests — and shares with his alleged adversary the fundamental feeling of hostility towards a set of established social structures. Particularly in the *The Structural Transformation of the Public Sphere*, the starting point of this inquiry is a dissatisfaction with the degeneration of the public sphere in late capitalistic societies, and the consequent critique of the social arrangements which have caused such an involution. The resulting critique of parliamentarism, as illustrated above, shares a number of common features with Schmitt's 1924 work, although

[21] Kennedy, "*Carl Schmitt und die »Frankfurter Schule«*", *op. cit.*, pages 402–403.
[22] Becker, *Der Parlamentarismuskritik*, page 134.

aiming at a different political outcome. Schmitt's primary concern in his critique of parliamentarism, besides the contingent attack on Weimar, was that of debunking liberalism as the ideology grounded on the illusionary idea that political confrontation can always be peacefully reduced to and settled through discussion and reconciliation in institutional frameworks, while it proceeds in reality on continuous processes of neutralisation and depoliticisation, whereby political problems are never solved, but simply hidden and systematically postponed, until the unavoidable final breakdown. Habermas has advanced analogous arguments in both his sociological and in his political works, arguing that the prevalent form (in late capitalistic societies) of liberal thought is indeed a misinterpretation of the original core of liberal values and doctrines.

Particularly in his attack on neo-liberal socioeconomic policies, he has highlighted their ideological, instrumental functions, which cover the advancement of systemic elements (systemic is here understood in the Habermasian social ontology of the dynamic of money and power), to the detriment of the *Lebenswelt*, ultimately leading to the pathological situation of social *anomy* and consequently of a severely dysfunctional democracy, if not to its disappearance. Of course, the macroscopic difference in this case is the opposite ultimate view on liberalism as such, which is for Schmitt an inherently deficient set of political theories, while it retains for Habermas a core of validity which survives current wrongful practical interpretations, and whose full recovery has constituted probably the most important driver in his political thought.[23] The analogous structure in the Schmittian and Habermasian critiques of liberalism is particularly evident in the parallel between Schmitt's 'depoliticisation and neutralisation' as categories of degeneration of liberalism, and Habermas's description of the 'colonisation of the *Lebenswelt*' in his TCA. While Schmitt is ready and willing to formulate an all-out attack on liberalism, not being himself philosophically attached to this political school of thought, he points out the destructive final outcome of liberalism caused by the prolonged artificial suppression of genuine political conflicts beneath the lid of a

[23] On Habermas's reading of liberalism, see Stephanie Morrow, "*Through the Eyes of Habermas: The Heritage of Liberalism and Deliberative Politics*", in *Studies in Social & Political Thought*, 20, 2012, pages 70–84.

universalised *ethos*, leading to social disorder (*taraxe*).[24] Habermas believes in the possibility of rescuing the core of liberal values by formulating them in a rational, non-ethical philosophical system, where political conflict is not denied or hidden, but is fully exercised, although in the form of argumentative competition within the anarchical space of the public sphere, under conditions of fairness. Habermas seems therefore receptive to the idea that depoliticisation and neutralisation are teratological developments in certain degenerated strands of liberal systems, and that re-politicisation of social life has to be re-established in order to avoid catastrophic consequences, or in any case simply in order to guarantee the smooth functioning of a rational and just social and political order. Clearly, as in his reply to Kennedy's reading of the *Strukturwandel* against Schmitt's critique of parliamentarism, Habermas stresses his loyalty to fundamental liberal values as a substantial difference which separates himself from Schmitt.

All these elements are nevertheless not enough to envisage a genealogical link flowing from Schmitt to Habermas. The existence of broad areas of overlapping interests between the two can be easily explained by the recurrence of problems and questions in the political-philosophical field which remained unresolved throughout the German state's lengthy and severe instability, which lasted well beyond the end of the *Reich* and encompassed the difficult birth of Adenauer's *Bundesrepublik*. On the other hand, Schmitt and Habermas both work within a philosophical horizon which, decade after decade, still presents itself in very similar if not the same terms, namely the persistence of the problem of the legitimation of political authority in modernity, the role of positive law in politics and the coordination of economic and political order, both domestically and internationally.[25]

In conclusion to this initial examination of Habermas's reading of Schmitt, it can be confidently stated that despite the existence between Habermas and Schmitt of overlapping positions on very broad topic areas, there is little evidence of Schmitt being a direct source of inspiration for Habermas in his critique of the public sphere. As shown, the Frankfurt School largely tended to assimilate Schmitt to

[24] Paul Gottfried, *Carl Schmitt*, pages 60–62.

[25] See also Brett R. Wheeler, "*Law and Legitimacy in the Work of Jürgen Habermas and Carl Schmitt*", in *Ethics and International Affairs*, 15 (1), 2006, pages 173–183.

the "theoretical fathers" of National Socialist Germany, and this attitude, as it will become clearer in the next section, is widely shared by Habermas.[26]

Finally, an irreconcilable point of divergence between the two in their approach to political theory, and theories of order especially, is rooted in Habermas's emancipatory approach as the driver and the *telos* of political action and political life, as opposed to Schmitt, for whom the ultimate goal of history and the ultimate goal of political life as it unfolds through history remains mysterious, although it has been formulated and re-formulated in mythical form. Paraphrasing Sorel, Schmitt has indeed stated that "only in myth can the criterion be found for deciding whether one nation or a social group has a historical mission and has reached its historical moment. Out of the depths of a genuine life instinct, not out of reason or pragmatism, springs the great enthusiasm, the great moral decision and the great myth." The political consequence of this line of thought leads Schmitt to affirm that "the enthusiastic mass creates in direct intuition a mythical image that pushes its energy forward and gives it the strength for martyrdom as well as the courage to use force. Only in this way can a people or a class become the engine of world history. Whether this is lacking, no social and political power can remain standing, and no mechanical apparatus can build a dam if a new storm of historical life has broken loose. Accordingly, it is all a matter of seeing correctly where its capacity for myth and this vital strength are really alive today. In the modern bourgeoisie, which has collapsed into anxiety about money and property, in this social class morally ruined by scepticism, relativism, and parliamentarism, it is not to be found".[27]

As will be illustrated below, this way of portraying political life would become for Habermas increasingly unacceptable, because of its incompatibility with his engagement with a re-evaluation of liberalism under the auspices of a harmonisation of Kantian and Marxist threads, in the greater project of recovering the Enlightenment and bring it to completion. As a theorist of politics who considered irrational-

[26] See also Richard Wolin, *The Frankfurt School Revisited and Other Essays on Politics and Society*, New York: Routledge, 2006.

[27] Carl Schmitt, *Die geistesgeschichtliche Lage des heutigen Parlamentarismus*, Berlin: Duncker & Humblot, 1926 (English translation by Ellen Kennedy, *The Crisis of Parliamentary Democracy*, Cambridge (MA) and London: MIT Press, 1988), page 68.

ism a viable alternative to mass democracy, and who contemplated the possibility of legitimising the use of violence in political activity, Schmitt would eventually face an outright condemnation from Habermas, who would consider him as a theorist of fascist, thus explicitly returning to the traditional line of argument of the Frankfurt School as determined by Marcuse in the 1930s.

4.2 HABERMAS'S MATURE READING OF SCHMITT'S THEORETICAL WORK

Habermas's direct comment on Schmitt's work as a whole is limited to a short article entitled *Die Schrecken der Autonomie: Carl Schmitt auf Englisch* (literally: *The Horrors of Autonomy: Carl Schmitt in English*) written at the publication in the United States of the English translations *The Concept of the Political* and of *The Critique of Parliamentarism*. Habermas attempts in this brief essay, successively published in *Eine Art Schadensabwicklung* (*A Kind of Settlement of Damages*),[28] to persuade his Anglo-Saxon readers of the risks that an uncritical approach to Schmitt's work can entail. Habermas starts by claiming that it is difficult to imagine the integration of Schmitt within the context of Anglo-Saxon discussions, since "the intellectual (*geistig*) profile of this man and his political destiny (*politisches Schicksal*) belong to a very German tradition (*eine sehr deutsche Tradition*)",[29] and by immediately referring not simply to the link between Schmitt and the NSDAP, but directly to Adolf Hitler, who 'was fateful to him' (*ihm zum Schicksal wurde*).[30]

Habermas portrays Carl Schmitt as a highly sophisticated intellectual, erudite and especially gifted in literary skill, but on the other hand he presents him as a teratological product of mainstream "mandarin" German academia of the nineteenth and early twentieth centuries, itself a manifestation in turn of the German "exception", namely the backwardness of that country in terms of political development. Habermas insists on Schmitt's *expressionistic* understanding of politics, inspired by

[28] Jürgen Habermas, *Eine Art Schadensabwickung*, Frankfurt am Main: Suhrkamp Verlag, 1987, page 103–114.
[29] Habermas, *ibidem*, page 103.
[30] Habermas, *ibidem*, page 103.

Ernst Jünger's *In Stahlgewittern*,[31] as a friend-foe dialectic, as the highest manifestation of a refined backwardness which, instead of promoting self-critical analyses and investigations of the historical and intellectual causes of this very phenomenon, elaborates theories in order to justify it, legitimises it and even proclaims its supposed superiority vis-à-vis the Anglo-Saxon model. Interestingly, while Habermas refers, in this initial sketching of Schmitt, to the *Concept of the Political* and to *Political Theology*, he considers Schmitt's *The Leviathan in the State Theory of Thomas Hobbes*,[32] as his masterpiece (*Hauptwerk*), a peculiar choice when the overwhelming majority of publications about Schmitt concentrate either upon *The Concept of the Political*, *Political Theology*, *Constitutional Theory* or *The Nomos of the Earth*. It may even be easily argued, on the contrary, that Schmitt's monograph on Hobbes is probably one of the least-read of his books. Here Habermas concentrates mainly on Schmitt's reading of Hobbes, whereby Schmitt would have simply projected his own theory back on Hobbes, particularly the idea that the state is a continuously-impeded civil war (*der fortwährend verhinderte Bürgerkrieg*), the authority which checks the revolutionary resistance (*den revolutionären Widerstand niederhält*).[33] Schmitt developed in his Hobbes-monograph the idea that the Hobbesian state has undergone a process of degeneration from a real *Rechtsstaat* (a state in which the sovereign-monarch uses the law and legal mechanisms, but is not himself subject to immutable laws), to a *Gesetzstaat*:

> In the European continental states, the monarch-ruled, absolutist state of the eighteenth century has been replaced by the bourgeois state of the nineteenth century. Under the name '*Rechtsstaat*' is here disguised a system of legality (*Legalitätssystem*), functioning with written laws, and especially legal codifications (*Gesetzeskodifikationen*), and based

[31] Ernst Jünger (1895–1998), a prominent writer of the twentieth century German literature, is still considered as an extremely controversial figure, both in Germany and abroad, for his conservative-nationalist political views. His *In Stahgewittern* (published 1920, English translation: Storm of Steel) is a literary re-elaboration of his war time diaries, written during the First World War on the Western front, a work which has been interpreted as an apology of warfare and militarism, often contrasted to the pacifist stance of E.M. Remarque's *Im Westen Nichts Neues* (published in 1928, English translation: *All Quiet on the Western Front*).

[32] Carl Schmitt, *Der Leviathan in der Staatslehre des Thomas Hobbes*, Hamburg: Hanseatische Verlagsanstalt, 1938.

[33] Habermas, *Eine Art Schadensabwicklung*, page 105.

> on a man-made constitution (*auf einer von Menschen gemachten "Konstitution"*). It is known for long, that the bourgeois *Rechtsstaat* is in reality just a *Gesetzstaat*.[34]

Schmitt reconstructed the downfall of the absolutist state through the methodologies of the history of ideas, by focusing on the relation between the state and religious matters, concerning the private confession of the individual citizen, as opposed to the public faith which has been conceptualised by Hobbes as the theological-political pillar of the modern absolutist state. Hobbes — according to Schmitt's reading — would have provided a space of private freedom, an individual religious belief (named *confession*), a private belief as opposed to the practice of a collective, public space in which religious practices are allowed only as consistent with a state-driven, public faith. And it would be from this core of private freedom in confessional matters that the bourgeois public sphere would be born, and later expanded far beyond the religious realm into politics and the institutional life of the state. In Schmitt's reading, this was the original flaw in the Hobbesian articulation of the state, which would eventually dismantle its whole architecture after the seizure of legislative power by the bourgeois, and the establishment of a *Gesetzgebungsstaat*.

Habermas confutes this analysis by pointing out how Hobbes developed his concept of sovereignty from the very beginning in strict relation with the positivisation of law (*Positivierung des Rechts*). He argues namely that "positive law requires already, as a consequence of the concept itself, a political legislator, who shall no longer be bound by the hierarchically superior norms of natural law — and it is to that extent sovereign." Consequently for Habermas "the seed of the evolution towards the *Rechtsstaat* is planted already in Hobbes's idea of a sovereign legislator — who is bound to the *medium* of positive law — the very seed that Carl Schmitt sees as a great doom, which he would like to derive from the neutralisation of state authority against private religious powers (*gegenüber den privaten Glaubensmächten*).[35]

[34] Schmitt, *Der Leviathan*, page 101.
[35] Habermas, *Eine Art Schadensabwicklung*, page 106.

Habermas links Schmitt's critique of the bourgeois *Rechtsstaat* to the political situation in the Weimar republic and portrays it as an attempt to de-legitimise the constitutional arrangement of the first genuinely liberal democratic German state, whereby Schmitt aimed at portraying the whole process of liberalisation and democratisation as a degradation, leading to his forming an argument in favour of inevitable dictatorial rule for the restoration of state power. In this sense therefore, Habermas attempts to diminish the scholarly value of Schmitt's work by tying it to the contingent political situation of Weimar. Furthermore, Habermas regards Schmitt's genealogical investigation into the origin of the Leviathan myth and its position in Jewish culture as the beginning of a powerful anti-Semitic argument for the ideological construction of the image of the Jews and their cultural heritage as a sworn enemy of the state. Habermas turns successively towards the question of why Schmitt is still taken so seriously into account by German and European academics, despite his links to the National-Socialist past, the alleged anti-Semitism in some of his 1930s works and the lack of self-critique after 1945, when Schmitt portrayed himself as the "Benito Cereno of the European international law",[36] in his memoirs entitled *Ex Captivitate Salus*.[37] Habermas explains Schmitt's lasting influence by referring to three main grounds: first, the high quality of Schmitt's work as an academic, and particularly as an expert of public and international law (*Staatsrechtler*); secondly, the fact that Carl Schmitt "was a good writer"[38] and was a competent and acute observer and critic of his time, but more importantly "he conserved, in all the clarity of his language, the *gestus* of the metaphysic (*behielt er... den Gestus des Metaphysikers*), who can lead to the profundity and at the same time unveil a disdainful reality".[39]

Schmitt is additionally still important because he had, and has, disciples, and disciples of disciples, having left behind a considerable influence in the study of constitutional matters, and he has continued to be a source of inspiration for jurists, historians and philosophers. Thirdly, Habermas traces the importance and

[36] *Benito Cereno* is the hero of the eponymous novella by Herman Melville's (published 1855). While considered by everybody the captain of a pirate ship, he is in reality a hostage of those same pirates.
[37] Carl Schmitt, *Ex Captivitate Salus. Erinnungen der Zeit 1945/1947*, Berlin: Becker & Humblot, 1950.
[38] Habermas, *Eine Art Schadensabwicklung*, page 109.
[39] Habermas, *ibidem*, page 109.

relevance of Schmitt and the contemporary study of his work to the continuous fascination that the "young conservatives" (*die Jungkonservativen*) can exert. His reconstruction of the historical era in which Schmitt was writing some of his early major works, namely during the 1920s, stresses how "the right-Hegelianism left behind a tantalising void, after the sociological enlightenment of a Max Weber had stripped state authority of the aura deriving from the close relationship of reason and religion." According to Habermas, the conservatives "at that time, [...] wanted to cope with the loss of the aura, but they could not put up with the banalised business of an administrative state dominated by party democracy (*sich ... mit dem banaliserten Geschäft eines parteidemokratisch beherrschten Verwaltungsstaates nicht abfinden*). On the one hand they had become cynical and they saw through the bare mechanism of the regime; on the other, against all this the substance and the secret of the battered sovereignty had to be renewed — and through an act of unprecedented exaltation".[40]

Habermas proceeds therefore by portraying Schmitt as the right man to perform this task and to respond to the exigencies of the conservative political thought at that time:

> Carl Schmitt, who drew on the same experiences of Martin Heidegger, Gottfried Benn and Ernst Jünger, was able to satisfy this vague desire (*Sehnsucht*). All these authors met with their pseudo-revolutionary answers this desire of the extremely old in the extremely other, and they always return to the old. Even today this message has not lost its appeal — above all in some marginal (*verschwitzte*) subcultures, mainly of leftist provenience.[41]

After referring almost *en passant* to the relevance of Schmitt in French philosophy during the 1980s and its orientation towards Nietzsche and Heidegger, Habermas concentrates on the possible relevance of a Schmittian *Denkmotiv* when considering the parallel that has been generated in theological discussions between the theology of liberation and a political theology of counterrevolution, a parallel

[40] Habermas, *ibidem*, page 109.
[41] Habermas, *ibidem*, page 109.

which finds its origin in that part of political Catholicism which tries to explore the legitimacy of modernity. The question requiring an answer is, then: "can modernity create and stabilise its normative orientations from itself in the consciousness, or must it — as the anchorless product of a decomposing secularisation — be recalled within the horizon of salvific history and cosmology?"[42]

Habermas ultimately believes that Carl Schmitt has no coherent political thought, as he oscillated between different poles, together with but at the same time in opposition to political romanticism. The core of Schmitt's thought, Habermas explains, lies in the aesthetic of violence (*Ästhetik der Gewalt*),[43] whereby a set of surrealistic meanings is irradiated from the model of a sovereignty created from nothing but the violent destruction of the normative. Schmitt's theory of politics and particularly his critique of parliamentarism can be understood — for Habermas — only in the misconceived separation of liberalism and democracy, where the mistake is that liberalism has always entailed the generation and sharing of opinions and will do so in a political public sphere. Democracy is hence egalitarian participation channelled through the medium of public discussions.[44] The division of public discussion and democratic manifestation of will leads to the conception of the *demos* as capable of expression only through acclamation of a dictatorial leadership (decisionist Caesarism) and to a conception of its necessary homogeneity, also in ethnic terms. Habermas lastly suggests that Schmitt's core argument strikes at the heart of western rationalism, containing an apology for precisely those elements around which a critique of totalitarianism was formulated, particularly by Arendt.

Habermas's reading of Schmitt reflects the general Frankfurt School orientation towards this author, already developed during the 1930s, as illustrated above. Habermas here clearly wishes to stress Schmitt's connections to the National Socialist regime, to the point of making him one of the possible ideologues of European fascism, if not directly, nevertheless at least accidentally. This has subtle implications: by shaping his reading of Schmitt in this way, Habermas seems to suggest

[42] Habermas, *ibidem*, page 111.
[43] Habermas, *ibidem*, page 112.
[44] Habermas, *ibidem*, page 113.

that readers should maintain a distance from this author, since Schmitt was so clearly associated with something as inherently evil and unacceptable as National Socialism. Nevertheless, Habermas is confronted with a problem: there are many professional intellectuals who still refer to Schmitt as a valuable contribution to the theory of politics, even beyond the relatively closed circle of those who can be defined as his heirs. Schmitt's work is also taken extremely seriously by those who ultimately confute and dismiss his fundamental theses. This creates the awkward situation whereby Schmitt cannot be easily dismissed, since the work of many intellectuals, above any suspicion of National Socialist sympathy, cannot be simply downplayed as misguided, or irrelevant, or biased.[45]

Habermas therefore frames his attack on Schmitt by describing him essentially as the exponent of a long tradition in German academia and the intellectual community in general, which can be traced back to the Hegelian Right and the successive crisis which occurred politically with the collapse of the *Kaiserreich*, and intellectually with the rational analysis of the relations between power and religion as advanced by Max Weber. As explained above, this sudden change in the political and intellectual landscape left a dangerous void in the minds of conservative-oriented intellectuals, and according to Habermas it was Schmitt who took over the task of reviving certain central topics of conservative Hegelianism, which may share in the historical responsibility for the rise of Nazism, in order to resume their intellectual and possibly political projects, which were and remain, for Habermas, extremely close to the National Socialist movement and oriented towards anti-emancipatory practices.[46] There are nevertheless a series of problems in this representation of Schmitt and the successive impact of his thought.

The first problem is in that tendency, not exclusively proper to Habermas, to depict Schmitt as a political romantic, even if Habermas cannot possibly ignore

[45] Indeed, literature on Schmitt or Schmittian themes is currently very voluminous already and it is growing at fast pace. Alain the Benoist has recently published a 528-page bibliography exclusively listing Carl Schmitt studies: Alain de Benoist, *Carl Schmitt: Internationale Bibliographie der Primär- und Sekundärliteratur*, Graz: Ares-Verlag, 2010.

[46] The connection between Hegel and authoritarianism is however complex and much disputed. See for instance Jon Stewart (ed.), *The Hegel Myths and Legends,* Evanston IL: Northwestern University Press, 1996, Part 2.

that Schmitt himself had devoted an entire book to the subject of political romanticism, and had rejected this theoretical position and intellectual orientation by 1919.[47] Habermas tends to portray Schmitt and the Schmittians as romantics who, although rationally aware of the untenability of romantic propositions, continue to reproduce romanticism in unconscious ways. In the case of Schmitt this is nevertheless extremely difficult to demonstrate by pointing at specific works. If romanticism can be defined as the idealisation of a certain past age which is taken as a model to be re-established and reproduced in the present and the future, then Carl Schmitt can hardly fit into this definition. Schmitt does not use in his work extensive historical reconstruction and does not identify any possible 'golden age' in the periods, systems of government or historical political realities with which he engages; he is well aware that past systems of government can no longer be reproduced in an era — the modern one — in which technological change has produced substantially new realties and problems incompatible with past models.[48] Even when dealing with the question of international order (and *The Nomos of the Earth* may seem at first reading a nostalgic study of a past systematisation of order) Schmitt is explicitly conscious of the fact that past systems collapse for unavoidable historical reasons, that a new order can consequently only be established by looking forwards, and by trying to integrate into the dimension of law precisely those elements which acted as game changers. Clearly, Schmitt often advocates the retention of certain key regulatory principles, particularly evident again in the case of the *Nomos*, but this can hardly constitute a form of romanticism.

This can be directly linked to the second problem in Habermas's reading of Schmitt: the alleged continuity between Schmitt and the Hegelian Right. There are a number of inconsistencies between the intellectual position of Schmitt, and the *Jungkonservativen*, which prevents his integration in the mentioned category. Schmitt was in his life and thought rather detached from the mandarin, Protestant, right-Hegelian academic and social world of the *Kaiserreich*. Wilhelmine Germany was a protestant *Reich* in which Catholics such as Schmitt were at best sidelined

[47] Carl Schmitt, *Politische Romantik*. Berlin: Duncker & Humblot, 1919.
[48] Jeffrey Herf, *Reactionary Modernism. Technology, Culture and Politics in Weimar and the Third Reich*, Cambridge: Cambridge University Press, 1984, page 116 ss.

and viewed with a certain degree of suspicion in the intellectual and social circles of upper-class Prussia.[49] It would be a mistake to identify the Schmittian theological dimension in the analysis of political and legal theory with the Hegelian identification of the state, and the Prussian state in particular, with the supreme stage of self-realisation (*Selbstwerden*) of the Hegelian *Absolute*. Even if it is true that in both perspectives one can find a common reference to the central concept of God, Schmitt does not gesture in his work towards alleged theological realities on which political structures can be or should be built. His analysis is conceptual, cultural and historical: he observes the impact of theological ideas upon the political, he highlights their importance and argues that they will continue to be important in the future of Western, and German, political discourse. As will be discussed at a later point, it is precisely as a continuation of Max Weber's rational analysis of the relations between religion and political power that Schmitt was able to establish his research perspective. Schmitt's work additionally distances itself from Hegelianism in his thought's lack of systematisation. Schmitt does not operate within a theological-philosophical system; he elaborates his analyses, in a rather post-Nietzschean fashion, as an incursion into theoretical fields with a spirit of literary critique and the aim of suggesting alternative narratives. Rather than doing philosophy in a Hegelian way, or in any 'traditional' sense, his aim appears to be that of shifting the viewpoint of his readers on certain topics, and debunking the ideological superstructures which may prevent this shift from occurring.[50]

It is tempting to see a line of continuity between Schmitt and the *Jungkonservativen* when observing how close Schmitt became to certain right-wing political circles — and the *Reichswehr* — in the late years of the Weimar republic, and specifically to General Kurt von Schleicher, who was considered by President Hindenburg to be the right candidate to lead a dictatorship, with the aim of bringing the deadlock of Weimar politics to a patriotic solution (the so-called *Querfront*). Nevertheless, Schmitt's involvement was arguably dictated more by personal ambition and the prominence of his Berlin acquaintances in the late 1920s and early 1930s rather

[49] Joseph Bendersky, *Carl Schmitt: Theorist for the Reich*, Princeton, Princeton University Press, 1983.
[50] An interesting contribution of this point has been articulated by Renaud Baumert, *Carl Schmitt, Entre Tactique et Théorie*, Paris: Gallimard, 2012.

than ideological affinity and a compatibility of political projects. If we identify the Hegelian Right tradition with the political allegiance to Prussia and the house of Hohenzollern, a tradition indeed which remained monarchist during Weimar, we can surmise that such an ideology was never the fundamental political orientation of Carl Schmitt. Intellectually, Schmitt intervened in the debates about the future of Weimar with ideas which were indeed supportive of the dictatorial solution (particularly his interpretation of article 48 of the Weimar constitution), but this was not related to a philosophical-political orientation which considered a dictatorship to be the best constitution, Schmitt considering it instead to be the only politically and legally viable alternative to the internal stalemate of Weimar's politics, and the exceptional international situation around the German state. Schmitt considered Weimar to be an ill-born state, the fruit of untenable compromises between weak political and social forces (largely the SPD and the Catholic *Zentrum*), themselves far from representing the overwhelming majority of the German citizens, who in great numbers regarded the Weimar state as undesirable. [51]

In any case, Habermas's point in trying to trace a genealogy of Schmitt' political orientation appears rather problematic. On the one hand, Schmitt would allegedly offer a new perspective and fresh inspiration to the Right Hegelian tradition and its followers: because of the highly systematic nature of this very tradition, however, it is hard to imagine that Schmitt could easily be incorporated into it. Schmitt was able instead to work on topics which were indeed coincidental with the core of the Right Hegelians, namely the relation between the theological and the political, history and law, but he addressed them in very different ways. His effort was in fact all about demonstrating how, precisely as a consequence of Max Weber's work, the old positions of Hegelian conservatism had become untenable, but that at the same time the relevance of the religious and the idea of the impact of myth had been substantially enhanced. If this is true in relation to Right Hegelianism, it is even more so when it come to the overall evaluation of Schmitt's political thought. When Schmitt explores Cortés and DeMaistre's works and looks for traces in this literature of conservative and even reactionary political thought,

[51] Cf. Gopal Balakrishnan, *The Enemy: As Intellectual Portrait of Carl Schmitt*, London and New York, Verso, 2000, pages 139–154.

he does not do so with the idea of re-habilitating those authors, nor the systems of thought in which they operated; he carefully selects a series of relevant topics which — despite the demise of the philosophical system in which they have been conceived — may still offer helpful insights, precisely in relation to the problem of religious values and the constitution of political-legal sources of authority. If Max Weber worked out a rational understanding of the relations between religion and politics, this is not something which Schmitt desires to subvert. On the contrary, this is precisely Schmitt's starting point: the collapse of religious-metaphysical explanations of the political (and of power specifically) are at the same time also the way in which religious topics, myths and metaphysics have found their way into the 'scientific' enterprise of sociology, not only as subjects of rationalistic debunking, as in the positivistic understanding of the scientific sociology, but also as legitimate variables of a rational explanatory discourse, when sociology, with Max Weber, begins to embrace a *verstehen* epistemology based on a Nietzschean perspectivism.

Habermas's evaluation of Schmitt's work as it emerges in *Die Schrecken der Autonomie* appears to be heavily conditioned by Schmitt's infamous reputation, acquired already in the 1930s from the Frankfurt School and more so after 1945 with the process of de-nazification. This reading of Schmitt, however, as shown in this section, is extremely problematic and cannot withstand a closer analysis of Schmitt's work and his general intellectual orientation, especially in the face of any attempts to link him with a Right Hegelian tradition, as opposed to a Weberian heritage in the study of social and political phenomena. As will be illustrated in the next part, however, Habermas would eventually present a quite different orientation towards Schmitt and would ultimately recognise as meritorious his diagnosis of the interaction of international law and international politics. From the perspective of order, it emerges how Habermas has been elaborating an image of Schmitt as intellectual which essentially prevents a more direct engagement with the substantial claims advanced by Schmitt, whose work is largely dismissed, rather than discussed. The crucial point of the Schmittian understanding of secularisation and of the permanence of the theological in modern political concepts goes therefore

unnoticed and it is not the subject of a thorough discussion on the point of political theology in its relation to politics, the law, the state and international order.

4.3 THE UNEXPECTED PARTIAL RE-CONCILIATION

The third reading by Habermas of Schmitt's work is linked to a more direct engagement with topics of international politics, which tends to escape Habermas's attention in most of his writings dedicated to actual political issues, German domestic politics instead playing the dominant role. By the beginning of the 1990s, however, the debate on globalisation started to intensify in Germany, and the boundary between discussions on domestic and international politics began to weaken, particularly in relation to the European Union and the underlying political project. As previously illustrated, this course of events induced a reluctant Habermas to enter the international political debate with a series of contributions, most notably critiques of globalisation vis-à-vis (social-) democratic political regimes (in *Die postnationale Konstellation*), and successively by confronting the turn in US foreign policy under G.W. Bush, and the ensuing fracture in transatlantic relations. In reference to this latter point, Habermas has shown a great interest in following the evolution of the EU, as the bearer of a positively critical position against a set of US foreign policies, and above all in the formulation of analyses of the world situation, including possible alternatives to the dominant neo-liberal model of world order. In his *Der gespaltene Westen*,[52] he published an extensive analysis of the global political landscape, concentrating on the question of normative and legal standards and their intellectual implication in political and legal theories. The main opposition he envisages is that between the continuation, after a necessary re-formulation, of a certain Kantian project, primarily reflected in the evolution of international law along the line of an increasing democratisation, and the surge of a hegemonic liberalism (*hegemonialer Liberalismus*), founded on a misreading of liberal ideas, which is effectively an ideological cover-up for an imperial project. After considering these tendencies, Habermas recognises nevertheless that hege-

[52] Jürgen Habermas, *Der gespaltene Westen*, Frankfurt am Main: Suhrkamp Verlag, 2004.

monic liberalism and a neo-Kantian project do not exhaust a possible list of alternatives, to which he also adds: the neo-liberal project of a world market-society with diminished relevance for the state (*das... neoliberale Design einer entstaatlichten Weltmarktgesellschaft*), largely discussed in his previous *Die postnationale Konstellation*, published at the height of the Washington consensus in the pre-9/11 world; the post-Marxist scenario of a diffuse empire without a centre of power (*das postmarxistische Szenario eines zerstreuten Imperiums ohne Machtzentrum*); and finally an anti-Kantian project of *Großraum*-based orders (*das anti-Kantische Projekt von Großraumordnungen*).[53] In the first two cases, the category itself of international law is denied a prominent place in the construction of world order, which may be solely based on market forces. Particularly for Hardt and Negri's empire, the contribution given for a reflection on the future of international law is very limited, due to an exclusive concentration on dynamics of power (and money). Nevertheless, "the proper dialectic of the history of international law cannot be deciphered through a fully de-formalised concept of law. Even to the egalitarian-individualist universalism of human rights and democracy we have to allow a »logic«, which interferes with the dynamic of power".[54]

This belief that the law possesses a logic which can go beyond a sheer dialectic of power (interestingly, an argument very well exposed by Schmitt himself in his early work *Der Wert des Staates und die Bedeutung des Einzelnen*),[55] prompts Habermas towards considering a Schmittian interpretation of globalisation processes and their consequences for the state and interstate legal relationship. Since "Schmitt has confronted the universalist presupposition of the Kantian project all his life long", his work should be taken into account when looking at "those who vindicate the supremacy of the *right* upon the *good* on contextual grounds, or suspect any universal discourse of being the concealment of particular interests on rational-critical grounds".[56]

[53] Habermas, *ibidem*, pages 184–185.
[54] Habermas, *ibidem*, pages 187.
[55] Carl Schmitt, *Der Wert des Staates und die Bedeutung des Einzelnen*, Tübingen: Mohr Verlag, 1914.
[56] Habermas, *Der gespaltene Westen*, page 187.

Habermas begins therefore with a cautious, but surprisingly open, description of Schmitt's work in the field of international politics, which distances itself sharply from the previous hostility towards the intellectual foundations, the practical outcomes, and the biographical aspects of Schmitt's work. Habermas displays in this writing a degree of appreciation for two important arguments put forward by Schmitt in his publications on international law: first, the critique of the »discriminatory concept of war« (*diskriminierender Kriegsbegriff*) coupled with the increasing legalisation (*Verrechtlichung*) of international relations; second, the "replacement of states *Großräume* ruled as empires."[57]

Habermas's reading of Schmitt is here contextualised within the struggle against Versailles and the whole system of thought, culminating in the Briand-Kellogg pact of 1928, which regarded war as a crime, an aberration and a disease of international life: against this conception, Schmitt devoted a great deal of work. He concentrated his efforts in trying to demonstrate that moral judgments poison international relations and intensify wars.[58] An agreed moral conception of justice at the international level is for Schmitt simply impossible, and he surmises therefore that no such conception of justice between nations can exist: only one that is based on formal rules, the aim of which should be the regulation and the institutionalisation of conflicts, rather than their utopian abolition and prohibition. Habermas criticises Schmitt's position by stating that "the claim about a »moralisation« of war is clearly void, as soon as the rejection of war is conceptualised as a step towards the »juridification« (*Verrechtlichung*) of international relations".[59]

This process of juridification must be grounded, in Habermas's theory, on a clear division between moral and legal judgements, whereby the differentiation between just and unjust wars according to criteria grounded in material, natural law or religious reasons has to be replaced by the distinction between legal and illegal wars according to legal-procedural principles. Only in this sense can war take the shape and the name of an international police operation. Taking the handling of evidence proving Iraq's possession of Weapons of Mass Destruction as an example of

[57] Habermas, *ibidem*, page 187.
[58] Habermas, *Der gespaltene Westen*, page 188.
[59] Habermas, *ibidem* , page 189.

deficient juridification in international law, Habermas moves on to make a general argument about the necessity of establishing a regime of positive international law solidly anchored in legal procedures, in a context where, "after the establishment of an International Criminal Court and the codification of the corresponding elements of offences (*Straftatbestände*), positive law would take effect also on this international level and it would protect the defendants, under the shield of criminal procedural law, against moral prejudices (*Vorverurteilungen*)".[60]

Habermas interprets Schmitt's position as the direct consequence of his existentialistic conception of the political, the friend-enemy dialectic, which impedes the reciprocal understanding of different political actors on a common definition of justice, leading to the Schmittian idea that conceptions of justice are incommensurable (*Schmitts non-Kognitivismus*) and therefore need different and separated spaces (physical territories) in which to be independently implemented. Schmitt fights against the universalism of Kant's theory of law by attacking the mechanisms responsible for the rationalisation of authority (*Herrschaftsrationalisierung*).[61] This is explained as the resilient core of the impenetrable conception of anti-parliamentarian bureaucratic authority, which dominated the German *Kaiserreich* and extended its influence well beyond its historical end. But while many of Schmitt's followers continued to link this conception of the political only to the state, Schmitt himself moved beyond the state during the late part of his career, in the second half of the 1930s until the 1960s. He extended his friend-enemy dialectic — Habermas remembers — to actors who go beyond the state: first the *Volk*, as distinguished from the *Staat*, when the former is mobilised within the fascist movement (Schmitt dedicated his *Staat, Bewegung, Volk* — published in 1933 — to this topic); secondly, Schmitt extended his conception of the political to partisans, guerrilla movements, and freedom fighters. Thirdly and most importantly, he envisaged a model of world order which looked beyond the state for the re-organisation of international politics, namely the partition of the world into several imperial structures, called *Großräume*, each dominated by a great power, on the model of the western hemisphere as formulated according to the Monroe Doctrine of 1823. Habermas draws

[60] Habermas, *ibidem* , page 189.
[61] Habermas, *ibidem* , page 190.

here a comparison between the situation of the world at the time in which Schmitt was first developing his *Großraum* theory, and the current world situation, discovering a series of similarities. Schmitt started working on the idea of *Großraum* in the early 1940s, particularly with his work *Völkerrechtliche Großraumordnung* (1941), reflecting the eastward expansion of the German *Reich*. In this text he drafted his vision of a planet in which the legal fiction of equality among states was no longer tenable, and therefore world politics had to be re-organised in terms of a hierarchy of peoples and their respective spheres of influence, made up of state entities of lesser might, economically and ideologically dependent upon a dominant, hierarchically superior state (and people). Each *Großraum* was delimited by clear borders which excluded the intervention of any other foreign power within it. The similarity of this idea to the international situation in the twenty-first century lies not so much in the hierarchical ordering of the states, but in the recognition that globalisation processes have made the legal fiction of their equality absolutely untenable, thus paving the way towards a different form of international structure built around continental conglomerates of states. Schmitt's basic conception of a world divided into several continental *Großräume* "is tied to tendencies of denationalisation of politics, but without — unlike the neo-liberal and the post-Marxist design — downplaying the actual role of political communities and governments with capability to act. It anticipates the construction of continental regimes, to which also the Kantian project [here the reference is to Habermas's re-elaboration of a project of world governance inspired by Kantian principles] attributes an important role".[62]

While Habermas rejects the existence of any common philosophical feature between the two projects, he recognizes that a modernised version of the *Großraum* theory can constitute a probable counter to the unipolar world order of hegemonic liberalism, particularly in a scenario in which a possible »clash of civilisations« may become the prevalent narrative, because it fits within a "dynamic-expressive concept of power, which has found access into postmodern theories"[63] and matches a widespread scepticism towards the possibility of a general inter-cultural agreement on the question of human rights and democracy. But as recently as 2008,

[62] Habermas, *ibidem* , page 192.
[63] Habermas, *ibidem* , page 192.

Habermas has returned to these reflections, following the events of the 2003 Iraq invasion and the emergence of a visible decline pattern in US global hegemony. Despite his philosophical-political inclinations still prompting him to think that realist theories of International Relations do not capture the essence of contemporary reality, Habermas can eventually concede that "under the realist key assumptions that justice among nations is fundamentally impossible, while the possible balance [of power] alone can be achieved through a militarily secured equilibrium of interest, Carl Schmitt's *Großraum* theory still appears presently to offer the best approximation to the scenario of a desirable world order".[64]

This third movement in Habermas's reading of Schmitt shows a considerable shift in his understanding of the usefulness of reading Schmitt's work, even and especially when the problem of international politics and law, and the issue of world order, are all taken into account. Habermas seems to have returned to a stage in which he indirectly acknowledges the power and relevance of Schmitt's diagnosis of world politics, especially its early recognition of the potentially damaging effects of globalisation processes for the nation state, and the eventual possible outcomes.[65] This convergence on the point of *Zeitdignose* is similar to these two theorists' shared initial diagnosis of the situation of parliamentarism in late capitalistic societies. Although Habermas has very different normative goals and ideal orientations, he acknowledges the solidity of Schmitt's analysis of the world's situation when it comes to the contradiction inherent in a world of legally equal states which find themselves in extremely different conditions, in terms of efficiency of state apparatuses, control of territory and population, and independent management of the economy. Schmitt argues indirectly, and would definitely argue today, that of all states in the world there are only a handful of real ones.[66] Habermas's investigation into the problematique of world order starts from very similar con-

[64] Jürgen Habermas, *Ach, Europa*, Frankfurt am Main: Suhrkamp Verlag, 2008, page 118.

[65] See also William E. Scheuerman, *Frankfurt School Perspectives on Globalization, Democracy and the Law*, New York: Routledge, 2008, Part 2.

[66] Cf. Carl Schmitt, *Völkerrechtliche Großraumordnung mit Interventionsverbot für raumfremde Mächte. Ein Beitrag zum Reichsbegriff für Völkerrecht*, Berlin: Duncker & Humblot, 1991 [1941], page 59: *Nicht alle Völker sind imstande, die Leistungsprobe zu bestehen, die in der Schaffung eines guten modernen Staatsapparates liegt, und sehr wenige sind einem modernen Materialkrieg aus eigener organisatorischer, industrieller und technischer Leistungskraft gewachsen.*

siderations: the inefficiency of today's organisational models is evident in many regions of the world; globalisation weakens even the most efficient states; transnational economic phenomena are eroding the political powers of established institutions, with the consequent loss of a conscious political control on social events, and even more the possibility of enhancing and protecting democratic political communities. Habermas appears favourable to the idea of regional (continental) organisations adopting the task of shaping economic and political life, and recovers Schmitt's idea of *Großraum* — although without imperial implications, precisely with the aim of preserving at least (1) the existence of a political-institutional dimension related to actual communities (although broadened) and (2) the possibility of bringing globalisation phenomena under political control, by updating the fiction of state equality to the contingent reality of today's world. Nevertheless, what appears troublesome in Habermas's view is the role of international law as a solution for international conflicts and the regulation of international political life.[67] While an enhanced process of juridification of international politics is desirable within the aim of ensuring the global diffusion of emancipatory democratic practices and institutions, it seems also that the same juridification process presupposes the existence of underlying political entities which are already working in the framework of modern, participatory, "enlightened" politics. It is difficult to avoid the impression that the presupposition and the goal of a further international juridification in the direction indicated by Habermas are indeed overlapping concepts. Furthermore, the acceptance of law as the preferable (or even: the only rational) response to existing political problems (local or international) is in this case totally dependent upon a previous acceptance of the Habermasian model of discourse democracy (dependent in turn upon the acceptance of his philosophical system). Only in that case it is possible to avoid the impression that Habermas may be falling again into the trap of the neutralisation and de-politicisation of the political. Outside the wholesome acceptance of the Habermasian theory, there is plenty of space for a scepticism which regards law (as Schmitt did) largely as yet another politically torn, and inevitably politicised, social domain, and even one at the very centre of

[67] For an overview of the role of international law in critical theories, see Richard Falk, Mark Jürgensmeyer and Vesselin Popovski (eds.), *Legality and Legitimacy in Global Affairs*, Oxford: Oxford University Press, 2012.

political struggles.[68] This happens precisely because, in a world in which not everyone has converted to the idea that authority should be the best argument, produced in a free and fair (ideal) speech situation, what constitutes the ultimate source of authority for normative orientation (and, within it, law) remains disputed. Habermas has therefore to struggle in offering a view of the current global political situation which, while fitting the understanding of politics and law as outlined in his theoretical work, may also match the pragmatic necessities of policy making. In this respect, it is difficult to execute the form of judgement Habermas seems to believe possible, namely a distinction between 'good' aspects and 'bad' aspects in the idea of *Großraum*. Schmitt envisages the *Großraum* as the translation into the contingent world's political reality of his basic ideas of political dialectic (friend-enemy) and the incommensurability between different conceptions of justice: namely the incommensurability of how different sources of authority (and law) are conceptualised. Again, this ultimately derives from his particular understandings both of law as social phenomenon and of the origin and destiny of modern conceptions of political order. In all this, it is very difficult to distinguish an aspect that can be viable, even provisionally, for a Habermasian *Weltanschauung*. The fact that Habermas appeals to Schmitt in this case can be interpreted as a sign of growing confusion in the progressivist camp, in relation to the unfolding political realities of the early twenty-first century.

4.4 CONCLUDING REMARKS

It is possible to draw some provisional conclusions on the subtopic of Habermas's reading of Schmitt. It has been shown that Habermas's reading of Schmitt is heavily indebted to a tradition of negative interpretations of this author, emerging within the Frankfurt School largely as a consequence of Marcuse's 1934 article. This may be at the root of a continuing tradition of scepticism and even open hostility towards

[68] An extensive recent study of international law from a sceptical position is for instance: Joshua Kleinfeld, "*Skeptical Internationalism: A Study of Whether International Law is Law*", in *Fordham Law Review,* 78 (5), 2010, pages 2451–2530.

Schmitt within the context of critical theory. On the other hand, however, there is no convincing evidence, despite Kennedy's arguments, that Schmitt acted as a direct source of inspiration for Habermas's early book on the public sphere. There seems to be enough room for manoeuvre, nevertheless, for a reflection about the apparent continuity between the works of such diverse authors — in reference to the topics covered and the political and legal problems analysed, despite the considerable number of historically very intense years which separate them. This continuity led to Schmitt's presence in Habermas, but fundamental theoretical differences continue to persist, and their reduction as marginal elements appears to be out of reach.

From the perspective of order, it is however important to capture the essential misreading of Habermas in relation to his unsuccessful engagement with the Schmittian political theological argument. Particularly in his direct comment on Schmitt in *Die Schrecken der Autonomie*, Habermas appears to have lost sight of the specific legal-theoretical debates which Schmitt was primarily addressing at the time he was writing, and only through this distorted perspective is it possible to associate Schmitt so easily with Right Hegelianism and even political romanticism. This has important consequences, particularly for the theorisation of order, as in doing so Habermas systematically avoids confrontation with the recovery of theological narratives within sociological perspectives, which are crucial for a conceptualisation of order, unless on his own terms through the linguistification of the sacred.

5

WEBER, ORDER AND POLITICAL THEOLOGY IN SCHMITT AND HABERMAS

INTRODUCTION

Continuing from the previous investigation about the relevance of political theology in the context of the problem of order (Chapter 1), and the study of the reciprocal relations between the two radical perspectives for a conceptualisation of order as articulated in Chapter 3, this chapter explores the role played by Max Weber in the definition of Schmitt's political theology and Habermas's theory of social rationalisation respectively, in order to show the existing, albeit somehow indirect, connections between the two theoretical perspectives.

The link, even biographical, between Weber and Schmitt has been proven by a number of influential studies. It can be reflected in the articulation of the Schmittian political theology as a continuation of Weber's sociological work on the relation between religion and political economy, particularly in the parallel between Weber's *Protestant Ethic* and Schmitt's *Roman Catholicism and Political Form*. This chapter recapitulates how Habermas's sociological theory is explicitly indebted to Weber's work for the creation of a theory of modernisation as secularisation, but successively questions the way in which Habermas has framed the social phenomenon of religion, and the intellectual legacy of theology. In Habermas's major argument for the grounding of a new concept of dialogical rationality, the secularisation of religion (as *linguistification of the sacred*) appears to play an ambiguous role, as both the premise and the conclusion of his overall reasoning. This ambiguity is chiefly reflected in the way in which Habermas has responded to the critiques of theologians.

5.1 WEBER AND SCHMITT

As remembered by Duncan Kelly,[1] a young Habermas famously claimed at the 1964 Max Weber Conference in Munich that Carl Schmitt ought to be seen as the legitimate heir of Max Weber.[2] This anecdote has to be correctly framed within the context of contrasting readings of Weber, substantially oscillating between his portrait as a liberal, pro-democratic German patriot who contributed directly to the writing of the Weimar's constitution, and that of a precursor of an idea of politics, and of democratic politics in particular, which would eventually lead to some sort of legitimation of fascism.[3] Wolfgang J. Mommsen's historical reconstruction was especially influential at the time Habermas spoke in Munich, and continued to be extremely influential within the tradition of the Frankfurt School, which developed much of its work in *political* theory in opposition to Weber (and the Weber-inspired Parsons), while on the other hand appropriating a significant number of elements from his *sociological* work. The prospected line of continuity between Weber and Schmitt, which may be envisaged in relation to Weber's *ante litteram* legitimation of fascism and Schmitt's subsequent adherence to the NSDAP, as it has been argued by Wolfgang J. Mommsen, has had lingering effects, certainly reflected in Habermas's early evaluation of Weber (and Schmitt), as also in Karl Löwith.[4] According to Gary Ulmen, however, the idea that "there exists a logical connection between Weber and Schmitt" as a consequence of the latter's membership within the NSDAP "is only an evidence of the unfortunate tendency in post-war Germany, to write German history and intellectual history concerning the Third Reich" as if this was its "prologue and epilogue."[5]

[1] Duncan Kelly, *The State of the Political: Conceptions of Politics and the State in the Thought of Max Weber, Carl Schmitt, and Franz Neumann,* Oxford: Oxford University Press, 2003.

[2] The acts of the fifteenth *Soziologentag*, containing Habermas's famous statement have been published in *Max Weber und die Soziologie heute: Verhandlungen des fünfzehnten deutschen Soziologentages* by the *Deutsche Gesellschaft für Soziologie* ,Tübingen: Mohr Verlag, 1964.

[3] Cf. David Beetham, *Max Weber and the Theory of Modern Politics*, London: Allen and Unwin, 1974, Chapter 5; Wolfgang J. Mommsen, *Max Weber und die deutsche Politik 1890–1920*, Tübingen: Mohr Verlag, 1959, pages 177–179.

[4] Karl Löwith, *From Hegel to Nietzsche*, New York: Columbia University Press, 1964.

[5] Gary Ulmen, *Politischer Mehrwert. Eine Studie über Max Weber und Carl Schmitt*, Weinheim: VCH, Acta Humaniora, 1991, page 19.

It is documented that Schmitt met Weber in Munich while serving in the First Army Corps, and that he attended a number of speeches by Weber about the political situation in Germany, as well as speeches along sociological themes.[6] So while there is an undisputed biographical link between the two authors, the relations between their respective works remain more difficult to assess in depth. The first scholar who has worked on this question has been Johannes Winckelmann, who has researched the relations between the two in the area of legal-political theories of legitimation and legality. His contribution is particularly relevant for having highlighted Schmitt's critique of Weber's types of "legal rule" (*legale Herrschaft*),[7] despite his questionable understanding of Weber as interested in the technical form of the state and its realisation of values in a republican sense, as opposed to Schmitt's alleged interest in the factual validity and reception of recognised principles or "rules of the game", whereby there would be — according to Winckelmann's reading of Schmitt — a Hobbesian state of nature outside those rules, something that can hardly be a faithful reconstruction of Schmitt's work on the borderline cases of the state of emergency.[8]

Winckelmann's work had also attracted direct comment from Schmitt, particularly on the point of the opposition within Weber's work between instrumental (strategic) rationality (*Zweckrationalität*) and value rationality (*Wertrationalität*), whereby Schmitt, after recognising the existence of such tension, goes further by criticising this very division of the concept of rationality, when considering both the historical conditions in which rationality had to operate at the time the theory was envisaged, and the general philosophical orientation which Weber showed in relation to his time. Schmitt argued indeed that "in the face of the modern divisions of the modern concept of law (*Gesetzesbegriff*) and the recognition of »economic legislative dispositions« (*Maßnahmegesetze*), [and] in the face also of Weber's own pessimism, which considered the transition toward sheer instrumental rationality

[6] Ulmen, *ibidem*, page 20.

[7] See Johannes Winckelmann, *Legitimität und Legalität in Max Webers Herrschaftssoziologie*, Tübingen: Mohr Verlag, 1952 and Ulmen, *Politischer Mehrwert*, page 25.

[8] Ulmen, *Politischer Mehrwert*, pages 24- 25.

as fatal and unavoidable, the separation between value (*Wert*) and strategic aim (*Zweck*) becomes a desperate postulate (*zu einem verzweifelten Postulat*)".[9]

Wolfgang J. Mommsen's *Max Weber und die deutsche Politik 1880–1920* has been much more important to the reception of Schmitt and his relation to Weber in post-Second World War Germany.. Mommsen has concentrated on a critique of Winckelmann's interpretation of Weber in relation to his theory of (domestic) political order and the issue of legitimacy/legality. He has criticised Winckelmann's reading of Weber, according to which Weber put forward, or attempted to put forward, a theory of legitimacy (*Legimität*) grounded on some sort of value-free understanding of political and social life, as opposed to Schmitt's eventual capitulation to the total contingency of any political order based on decisionism. According to Mommsen, it was precisely Weber who was the first to envisage the impossibility of a rational and value-free scientific reflection on politics, to elaborate foundational values, which can only come, according to Mommsen's interpretation of Weber, from individuals, particularly charismatic leaders.[10] Mommsen argues that "Weber has fully consciously not described the way [...] of building up a value-rational (*wertrational*) foundation of a democracy of a new kind".[11]

Mommsen articulates the view that Schmitt was a "docile disciple" (*gelehriger Schüler*) of Weber, bringing Weber's line of argument to the logical conclusions he would have reached himself, if it were not for his premature death. However, "in reality Carl Schmitt has only in a sense radically drawn the conclusions from the premises which were already built by Weber's doctrine of legality".[12]

Mommsen's work has been hugely influential in shaping the interpretation of Weber's work in political terms, i.e. re-interpreting his *oeuvre* in the light of his (reconstructed) political thought,[13] Weber thereby becoming closely associated with Schmitt and an idea of political legitimacy conducive to the dangers of authoritarianism. Gary Ulmen has criticised Mommsen's position and the effects which

[9] Quoted by Ulmen, *Politischer Mehrwert*, page 24.
[10] Mommsen, *Max Weber*, page 407; Ulmen, *Politischer Mehrwert*, page 28.
[11] Mommsen, *ibidem*, page 412.
[12] Mommsen, *ibidem*, page 479.
[13] Gregor Fitzi, *Max Webers politisches Denken*, Konstanz: UVK Verlag, 2004, page 36–39.

his work has produced in the reception of both Weber and Schmitt, arguing that Mommsen has produced a simplistic image of the relations between the two. Ulmen points instead to a much more complex picture where "[Schmitt] has taken advantage of Weberian ideas for his own goals",[14] while Mommsen has projected Schmitt back onto Weber, even reaching the extreme conclusion that Schmitt's famous thesis "Sovereign is the one who declares the state of exception" is implicit in Weber's *Economy and Society*.[15] A more fruitful parallel reading of Weber and Schmitt leads instead to a re-appreciation of Schmitt's originality and independence, but insists on the continuity of many themes (particularly the theological and religious) and methodologies (legal and sociological types), which have their foundations in debating modernity, and the possibility of political and sociological knowledge within it.

In his powerful but little known study of Weber and Schmitt, Gary Ulmen has envisaged a way of reading the two authors which appears to be based on a much more comprehensive appreciation of their intellectual context, but also on the possibly divergent research interests which characterise their oeuvres. The crucial point here is that both Weber and Schmitt have to be situated within an ongoing critical discourse of political economy, stretching back to the work of Marx. Although admittedly there may be "no continuity between a »Marxist« and a »sociological« [i.e. Weberian] critique", nor "two sides of the same problem or two answers to the same question," nevertheless, in Ulmen's view, there is the space to envisage "two different questions, in different fashions, posed to one and the same reality. Marx asks how a reality, which he can know (*erkennen*), may be *changed*, while Weber asks how a reality, which he cannot know, can be *understood* (*verstehen*). In this context Schmitt takes a position somewhere between Marx and Weber, and ask the question, how a concrete situation is to be *dealt with* (*behandeln*)".[16]

Within this narrative, Schmitt's position has been chiefly reflected in his early works *Political Theology* and *Roman Catholicism and Political Form*, which are both concerned with the problem of investigating the foundation of the political order in

[14] Ulmen, *Politischer Mehrwert*, page 29.
[15] Ulmen, *ibidem*, page 29.
[16] Ulmen, *ibidem*, page 173.

modern societies. The apparent dialectical opposition is taken into account as the starting point of a deeper reflection about the re-contextualisation of a sociological-philosophical assessment of religious ideas, in relation to the understanding of the economic dimension and its inherent order. In Schmitt words indeed, "the spiritualistic explanation (*Erklärung*) or material processes and the materialistic explanation of spiritual (*geistig*) phenomena both try to ascertain causative correlations. They set up an opposition of the two spheres and then they dissolve this opposition again in a nothingness, through the reduction of the one into the other".[17]

Ulmen seems to have captured an important dimension in the relations between Schmitt, Weber and the critique of the political economy, which is arguably still at the centre of today's discussion of the problem of order, particularly when considering critical IR, and especially in relation to the reformulation of critical theories of International Relations as influenced by Habermas's work. Ulmen's main point is that "Schmitt [...] saw beyond this evident antithesis and looked at the real synthesis in the »core area« (*Zentralgebiet*) of the economic (*das Ökonomische*) in order to show that the critique of political economy (*Kritik der politischen Ökonomie*) had started with political theology or, more precisely, with a critique of religion progressed over Ludwig Feuerbach's anthropology to a materialistic conception", a critique which did not conceal, but rather expressly emphasised, a metaphysical analogy. And it is in the metaphysical sphere that "Schmitt distances himself first from Marx and then from Weber in a way that meets his own polemical necessities". According to Schmitt, "in a critique of the materialistic conception of history one should proceed so that first the historical and philosophical meaning of the word »science« (*Wissenschaft*) are worked out, and not reduced to the »sheer technicality of natural science«".[18]

For Schmitt indeed, Marxism entails a conception of scientificity (*Wissenschaftlichkeit*) aimed at achieving a method which, with the help of the laws of nature and a strict deterministic *Weltanschauung*, would allow the improvement of the human condition, in a relation similar to those existing between each natu-

[17] Carl Schmitt, *Römischer Katholizismus und Politische Form*, Stuttgart: Klett-Cotta Verlag, 2008, originally published in 1923, page 57

[18] Ulmen, *Politischer Mehrwert*, page 173.

ral science discipline and its technical application. But this is only a partial view of the relation between Marxism and science. Schmitt explains that "when in this laid the scientificity of socialism, so the leap into the kingdom of freedom would be a leap into the kingdom of absolute technicity (*Technizität*). It would be the old rationalism of Enlightenment and of one of those since the eighteenth century popular attempts to attain a politics from mathematical and physical precision (*Exaktheit*)".[19]

The key to the relation between science and scientific materialism goes beyond this narrow conception of scientificity, and encompasses instead the very idea of science as it appears in the Hegelian and Hegel-derived Marxist conception of history, since "precisely the philosophical-metaphysical fascination of Marxist philosophy of history and sociology does not lie in the scientificity of natural sciences (*Naturwissenschaftlichkeit*), but in the fashion by which Marx retains the idea of the dialectical development of human history and observes this as a concrete, unique and antithetic process generated by a self-producing organic force.[20]

The essence of Marx's argument lies instead in the Hegelian goal of the self-consciousness of mankind, which in Schmitt's reconstruction of Marxism "will become conscious of itself, namely through a right knowledge of the social reality (*durch eine richtige Erkenntnis der sozialen Wirklichkeit*)". Through this, "consciousness acquires an absolute character. Here it is about a rationalism, which encompasses in itself the Hegelian evolution and it has in its concreteness an immediateness (*Evidenz*), whereof the abstract rationalism of the Enlightenment was not capable".[21]

The core point of Marx's position would therefore lie, in Schmitt's reading, in the concept of historicity, provided by Hegel's dialectic rationalism as applied to the study of history, which allows the man of action to seize the essence of the contemporary epoch and moment. With the help of a dialectical reconstruction of history, this was held to be scientifically possible. The scientificity of Marxist socialism rests

[19] Schmitt, *Die geistesgeschichtliche Lage*, page 66.
[20] Schmitt, *ibidem*, page 66.
[21] Schmitt, *ibidem*, page 67.

on the principle of the Hegelian philosophy of history.[22] In Schmitt's own words, "scientificity means here the consciousness of a metaphysic of development (*Entwicklungsmetaphysik*), which makes the consciousness a criterion of the progress. The formidable poignancy with which Marx always caters from [anything] new to the bourgeois economy, is then not academic-theoretical fanaticism nor a sheer technical-tactical interest in the adversary. [This poignancy] is under a wholly metaphysical coercion (*unter einem durch und durch metaphysischen Zwang*)".[23]

This metaphysical bondage is reflected in the reciprocal relation between consciousness and the scientific understanding of reality, whereby "the right consciousness is the criterion for [the ascertainment] that a new stage of the development has begun. As long as this is not the case, as long as a new epoch is not really in front of us, the previous epoch. i.e. the bourgeoisie [sic], cannot be correctly known, and vice versa: [the fact that] it can be correctly understood contains on turn the evidence, that its epoch is at end. The self-guarantee (*Selbstgarantie*) of the Hegelian, and also of the Marxist certainty, moves in such a circle".[24]

The metaphysical component in Marx, as envisaged by Schmitt, should be contrasted to Max Weber's engagement with the problem of the fundamental orientation of his research in the light of its normative goal. As remembered by Ulmen, for Weber his work on the origin of capitalism did not have as a goal the fostering of capitalism itself, but the "development of humanity (*Menschentum*), which has been created by the encounter of religiously and economically conditioned components". Weber's interest in the definition and the study of the ideal "spirit of capitalism" never went beyond the analytical dimension into a political one; indeed all Weberian concepts, even the "development of humanity", did not entail any metaphysical meaning, but were conceived as approximations to historical reality.[25]

But the most crucial relationship between Marx, Weber and Schmitt lies in the set of connections found in their critiques of religion, sociology of religion and political theology. Ulmen envisages a general reading of this set of relations which

[22] Schmitt, *ibidem*, page 67.
[23] Schmitt, *ibidem*, page 75.
[24] Schmitt, *ibidem*, page 75.
[25] Ulmen, *Politischer Mehrwert*, page 175–176.

translates political theology into a conceptual sociology (*Begriffsoziologie*). When normative claims in the transition from a critique of religion to a critique of sociology of religion are abandoned, then the passage to political theology appears to entail a different nature. While the critique of religion "has historically regarded religion as false consciousness, and the sociology of religion has interpreted it culturally in the sense of an elective affinity", political theology "explains it metaphysically, namely as ultimate cause of a structural analogy between theological and legal concepts".[26] The link between political theology and the sociological investigation of religion as a direct cause and central concept in the explanation and (possible) critique of political economy lies ultimately in this new conceptualisation of political theology and its position relative to sociology and anthropology. When the critique of religion "transmutes (*verwandelt*) theology in anthropology and the sociology of religion considers religious phenomena from an anthropocentric perspective", so political theology "transmutes it back the anthropology not in theology, but it considers anthropocentrism (understood meta-theoretically) as secularisation of theocentrism".[27]

The critique of religion's repudiation of the ultimate foundation of theology and its replacement with something else, the distance of the sociology of religion from the values of believers and from the critics of religion, which broadens as a consequence of the rationalisation of theological discourse and the consideration of science as ideology, are both countered by political theology. Political Theology makes the metaphysical viewpoint of the critique of religion, namely the idea of progress, and the methodological error of the sociology of religion, namely the idea of value neutrality (*Wertneutralität*).[28] The critical and sociological understanding of the religious phenomenon, particularly in the light of the possible critique of political economy, which is supposed to derive from its results, "does not need to assume nor to reject the existence of God, as it concerns itself with the *idea* of God, and the latter can only be replaced by another idea".[29]

[26] Ulmen, *ibidem*, page 176.
[27] Ulmen, *ibidem*, page 176.
[28] Ulmen, *ibidem*, page 177.
[29] Ulmen, *ibidem*, page 177.

The relation between Weber and Schmitt has to be correctly captured in relation to this problematique, namely the clarification of religious ideas and the embedded drivers of the rationalisation of religion, which took place historically through a philosophical tradition of religious critique first, and through the sociology of religion afterwards. The point made by Weber in his work on sociology of religion appears to be that, eventually, the "tension between the spheres of value of science and sacred may not be bridged".[30] For Weber, every theology is "intellectual *rationalisation* of religious salvation (*Heilsbesitz*). No science (*Wissenschaft*) is absolutely without presuppositions (*voraussetzunglos*), and none can give foundation (*begründen*), for the one who rejects these presuppositions, to its own value (*Wert*). But however: every theology adds some specific presuppositions for its work and consequently for the legitimation (*Rechtfertigung*) of its own existence. In different sense and range (*Sinn und Umfang*). For every theology [...] is valid the presupposition: the world must have a *sense* (*Sinn*) — and the question is: how should it be construed, so that it may be possible to think (*denkmöglich*)?"[31]

The difference between sciences and theologies is normally that while sciences may content themselves with some sort of foundational philosophical argument, theologies often understand revelation to be a presupposition of their very existence and functioning. But what kind of knowledge is constituted by revelation? Weber points to this question,settling the discussion between science and theology/religion by arguing that revelation-based propositions "lie for theology beyond what "science" is. They are no "knowledge" (*Wissen*), in the currently understood meaning, but a "have" (*Haben*).[32] Those who do not possess this "quid" may not be able to replace it with any theology, and even less so with another science. The tension between religion and intellectual knowledge continuously re-emerges in the same point, where "rational, empirical understanding has made his way through the disenchantment of the world and its transformation into a causal mechanism".[33]

[30] Max Weber, *Schriften 1894–1922*, Stuttgart: Alfred Kröner Verlag, 2002, page 509.
[31] Weber, *ibidem*, page 508.
[32] Weber, *ibidem*, page 509.
[33] Ulmen, *Politischer Mehrwert*, page 178.

Schmitt has addressed the problem of political theology in several works, and his *oeuvre* is filled with theological references, more or less explicitly indicating the centrality of this topic. But the explicit elaboration of this theme emerges primarily in two publications, both appearing in 1923, namely *Political Theology* and *Roman Catholicism and Political Form*. These works represent a break with the previous, pre-war juvenile production of Schmitt. While still conceiving his work as eminently legal-theoretical, he turns more explicitly, both in terms of content and in methodology, towards a sociological analysis of the state and of law. It is probably no coincidence that this turn in his production and intellectual attitude towards theoretical work took place after his encounter with Max Weber. Indeed, most of Schmitt's discussion of state and law would revolve primarily, from this point onwards, around the nature of politics and law in a modern, mechanical, industrial world engineered according to the narrow rationalism of the technical and economical social organisation, and the fundamental irreconcilability of the two. For Schmitt, today's dominant kind of economic-technical thought "is absolutely no longer able to perceive any political idea. The modern state seems to have really become what Max Weber saw in it: a large factory (*ein großer Betrieb*)".[34]

Schmitt's link to Weber's work, as well as the essence of Schmitt's critical reflection about the nature of the modern world and the meaning of order in it, is most explicit in *Roman Catholicism and Political Form*. This publication has been clearly written against the background of Weber's *The Protestant Ethic and the Spirit of Capitalism*, although it does not represent a direct critique of it. On the contrary, Schmitt is keen to accept Weber's main hypothesis that the sociological ideal type of the spirit of capitalism cannot be derived from Catholicism, but from the ethic of certain Protestant sects, particularly Calvinism. Schmitt's idea here is instead to complement Weber's *Protestant Ethic*, by juxtaposing it with a "metacritical antitype".[35] Just as Weber has investigated the origin of capitalism in the Protestant ethic, so does Schmitt look for the origin of the modern conception of the state in the tradition of the Catholic Church, particularly in the concept of *represen-*

[34] Carl Schmitt, *Politische Theologie. Vier kapitel zur Lehre von der Souveränität*, third edition, Berlin: Duncker & Humblot Verlag, 1979, originally published in 1922, page 82.
[35] Ulmen, *Politischer Mehrwert*, page 180.

tation and in the creation of modern law and the modern state founded on law (*Rechtsstaat*). While in previous works, particularly in *The Value of the State and the Meaning of the Individual* [1914], Schmitt had addressed the problematiques of state and state politics with a philosophical-analytical methodology, he now engages directly with a sociological approach to the problem.

Weber has famously formulated in the *Protestant Ethic* a theory envisaging the ideal type of the "spirit of capitalism" as originally arising from an ethic of thrift which derived directly from the ascetic orientation of Calvinism, in turn based on theological concepts regarding the doctrine of predestination and the role of God's grace in salvation. Weber has envisaged this spirit of capitalism as a spirit of rationalisation of production which, after apparently losing its connection to the urban asceticism of the Calvinists, has been transformed into the modern concept of instrumental rationality, which animates the organisation of any capitalistic mode of production.[36]

Schmitt wrote *Roman Catholicism and Political Form* with Weber's work in mind, organising his essay around the implicit opposition of Catholicism to Protestantism. This opposition is not manifest in Weber. He did not develop his argument about the Protestant ethic in explicit opposition to the Catholic ethic or the Catholic attitude towards material wealth and its accumulation, but Catholicism, for unavoidable historical reasons, constantly remains in the background of his investigation of Protestantism. While Weber has investigated the protestant origins of the spirit of capitalism, Schmitt intends to write a sociological study about the other pillar of the modern world, namely the state. His aim is to trace the form of the modern state back to the way in which the Catholic Church traditionally organised and perceived its political function, namely through the preservation of the Roman conception of law and the consequent *rationalism* which is embedded in the theoretical construction of Roman law, through the principle of representa-

[36] On this aspect see also Joseph W.H. Lough, *Weber and the Persistence of Religion: Social Theory, Capitalism and the Sublime*, New York: Routledge, 2006.

tion and the consequent decisionistic understanding of the political, as ultimately reflected in the dogma of papal infallibility.[37]

According to Schmitt, the enquiry on the origin of the political form of the modern state, the *Rechtsstaat*, has to be traced back necessarily to the Catholic Church and its balance between contradictory tendencies, which takes the form of a *complexio oppositorum*.

> In the great history of the Roman Church there is, next to the ethos of justice, also an ethos of its own power (*der eigenen Macht*). It is even aggrandised to it by fame, splendour and honour. The Church wants to be the bride of Christ; she represents the ruling, dominant and victorious Christ. Its desire for fame and honour is based ultimately on the idea of representation. It gives birth to the eternal opposition between justice and glorious splendour. The antagonism lies in the generally human (*liegt im allgemein Menschlichen*), although pious Christians have often seen in it a form of special evil (*Bosheit*).[38]

The *complexio oppositorum* appears as an earthly compromise between the moral ideals of justice and the temptations, but also the necessities, of power and of politics. Crucially for Schmitt, "in the framework of the temporal domain (*im Rahmen des Zeitlichen*) the attempt to evil [deeds], which lies in every power, is certainly eternal, and only in God the opposition of power and [moral] good is entirely abolished".[39]

The Catholic *complexio oppositorum*, which Schmitt sees as the essence of the political, is centred on the idea of representation (*Repräsentation*), the link between the legal and the political in the form of a connection between the physical person who exercises a particular authority, and the person or the idea in whose name this authority is exercised. Authority is intrinsic to the idea of the Political, "be-

[37] See also Ionut Untea, "*A Heretical Political Theology: Carl Schmitt and the Hobbesian Concept of Representation*", in *The International Journal of Humanities*, 6 (2), 2009, pages 93–100.
[38] Schmitt, *Römischer Katholizismus*, page 53.
[39] Schmitt, *ibidem*, page 54.

cause there is no politics without authority and no authority without an ethos of persuasion (*Überzeugung*)".[40]

The political power of the Catholic Church is grounded in the "pathos of authority in its full purity",[41] as it does not rely on economic or military might. This becomes particularly relevant in the modern era, characterised as it is by the intense processes of depoliticisation and of rationalisation in the sense of sheer "mechanisation" and instrumental rationality. The Church is a legal person (*juristische Person*), but in a different way than a chartered company, as the Church embodies a "concrete, personal representation of a concrete personality" (*Persönlichkeit*).[42] This has to be contrasted with the mechanistic conception of politics and of economic organisation in modern society. Schmitt argues that Catholicism is "ultimately political, as opposed to this absolute economic objectiveness (*Sachlichkeit*)." Political means here not the Machiavellian "usage and domination of known social and international power factors", which makes of politics "a sheer technique, as it isolates a single, exceptional moment of political life. The political mechanics has its own laws, and Catholicism, exactly like any other historical greatness engaged in politics, will be captured by them".[43]

In Schmitt's narrative, the political dimension of the Catholic Church has always refused, nevertheless, to be completely absorbed by these laws and the mechanistic consequences of their implementation. The Church represents something which lies beyond the persons who exercise authority in this world. In general, the very concept of representation is a relationship: a person and an authoritative person or an idea which, as soon as it is represented, is equally personified. God, or the people (*das Volk*), or abstract ideas like freedom and equality "are a thinkable content of a representation, but not [economic] production and consumption. Representation gives to the person of the representative a dignity of her own, because the representative of a higher value cannot be without value (*wertlos*)".[44]

[40] Schmitt, *ibidem*, page 28.
[41] Schmitt, *ibidem*, page 31.
[42] Schmitt, *ibidem*, page 31.
[43] Schmitt, *ibidem*, page 27.
[44] Schmitt, *ibidem*, page 36.

The political dimension of Catholicism, intrinsically linked to representation, is informed by a kind of rationalism which appears to be the opposite of the mechanical rationalism of the modern world, as highlighted by Weber and his sociological analysis of modernity. For Schmitt, modern rationalisation is essentially equal to mechanisation, depoliticisation and de-humanisation. The reduction of the political to the economic-rational, equally shared by the capitalist and the Marxist-Leninist, is antithetic to the rationalism of the Catholic tradition, as the rationalism of the Roman Church "encompasses morally the psychological and sociological nature of the human and does not concern, like industry and technology, the domination and the exploitation of matter. The Church has its own rationality. [...] Even Max Weber himself declares that the [ancient] Roman rationalism lives in the Church [...] This rationalism lies in the institutional and is essentially legal".[45]

Schmitt's understanding of Catholic rationalism, which is the same rationalism animating the tradition of Roman law, has to be contrasted against the teratological degeneration of the technical-economic rationalism of modern society. The consequence of this widespread economic thought implies a marginalisation of the political and the legal, and the disappearance of representation in its authentic meaning. Economic thought leads to the idea that public life is able to regulate itself automatically through public opinion, namely by private people, organised around the press, which is also grounded in the private property system. Interestingly, Schmitt identifies the demise of both the political-representative and the legal in the ascent of bourgeois society, and with this the beginning of the degeneration of the modern state (as already portrayed in his *Crisis of Parliamentary Democracy*) reflected in the carving out of ever growing spheres of non-intervention on the part of the state in the legal order of bourgeois society, the first of these spheres being religious life.[46] Schmitt identifies a constitutive link between the public and the private sphere for the permanence of the theological in the secular and the depoliticised, whereby the value of the religious has been transposed, with a whole set of political consequences, from the public to the private (faith as a private fact),

[45] Schmitt, *ibidem*, page 23.
[46] Schmitt, *ibidem*, page 47.

but in so doing this very private domain has absorbed qualities which were proper to the sacred. Schmitt argues on this point that "wherever one puts the religious, it will show everywhere its absorbent, absolute-making (*verabsolutierend*) effect, and when the religious is the private, so consequently vice versa is the private religiously sanctified. Private property is therefore sacred, precisely because it is private. This so far little conscious relation (*Zusammenhang*) explains the sociological evolution of the modern European society. In it too, there is a religion, namely the religion of the private; without it, the building of this social order would collapse."[47]

While Weber has found the antecedent of the spirit of modern capitalism in the ascetic practices of certain Protestant sects, so Schmitt has investigated the institution which is complementary to capitalism, namely the modern state, from the same genealogical perspective: taking into account, as a starting point of his investigation, the results of Weber's work, which he intended to complement. The origin of the political, and of modern politics in the form of the state, lies in the legal tradition of the Catholic Church and the *complexio oppositorum* which contains an idea of representation: establishing a profound identification between on the one hand the representative as a physical person and on the other the authority which emanates from the entity he represents. Schmitt opposes this kind of *Persönlichkeit* to the *Unpersönlichkeit* of the mechanical relations issuing from technical and economic thought and rationalism. The latter comes from the privatisation of the political, which disappears in its true essence as part of state life, and derives from the individualism of the Protestant theological position. The Protestant ethic is conducive to a rationalistic-economic logic of accumulation and acquisition (*Erwerb*), the Catholic ethic is one of synthesis between contradictory tendencies (*complexio oppositorum*), conducive to the politicisation of life through representation and authority, and to decisionism (*Entscheidung*).

On the one hand therefore, Schmitt continues Weber's work in the sense of highlighting the importance of theology, and its permanence under disguised terms in the crucially important niches where economic rationalism cannot ultimately defeat it (the sphere of the absolutely private, and therefore sacred), but also in

[47] Schmitt, *ibidem*, page 48.

the still nominally valid concept of authority (which may re-emerge in the state of exception) and the residual autonomous rationalism of law. Both Weber and Schmitt's work underscored the ineluctable importance of the theological conceptions that had shaped human behaviour at the social, economic, and political level and which indirectly continue to do so. Schmitt, however, positions himself in an anti-Kantian stance to the very idea of representation as the source of political authority and the legitimation of political (and legal) order. Weber has followed the Kantian idea that the form of the state arises from the objectivisation of the idea of law,[48] although he is then largely unable to explain the origin of the political values which are supposed to be at the very core of political construction, and of sovereignty: the relation between this Kantian conception of the state and a model of political authority coming from charismatic leadership. Schmitt has indirectly revealed the untenability of Weber's contradictory position. The neo-Kantian attempt to overhaul a subjective concept of sovereignty with the establishment of an objective one has to be seen as an attempt to de-personalise the relation between idea and form, to damage the authentic essence of legal thought and to deny the decisionistic power of the legitimate authority. The very attempt to formalise the law in an objective sense represents for Schmitt the creation of a counterpart to the economic principle of self-regulation, which has to be rejected precisely against the background of the sociological, genealogical study of the origin of modern, bourgeois society.

5.2 WEBER AND HABERMAS

In this part the relations between Weber and Habermas will be highlighted, with particular attention dedicated to the role played by Weber's studies in the sociology of religion for the Habermasian TCA, which appears to be central to Habermas's argument, but also complex and eventually contradictory. In fact, as Habermas has used Weber's sociological investigation in order to formulate an extremely ambitious theoretical systematisation of the rationality/rationalisation problematique,

[48] Ulmen, *Politischer Mehrwert*, page 211.

his treatment of the issue of religion and theology, despite its centrality, has suffered from a possibly over-simplistic understanding of those phenomena. An analysis of the relations between Habermas and the theologians, both in the form of the use made by theologians of the TCA, and of the theological critique advanced against the TCA, reveals that Habermas's emphasis on a new conception of rationality based on a science of language may have compromised a comprehensive understanding of the religious and led to the failure of explaining secularisation, which oddly appears both as a input and as an output of the described process of rationalisation. This appears to be even more visible in the context of the current "resurgence" of religion.

Most of the current interest in Max Weber still revolves around his study of the transition towards modernity as a process of enhanced rationalisation. Peculiar to Weber's contribution is the way in which he highlighted the achievements of modernisation as well as the problematic and contradictory aspects of this very process, by embracing a sceptical attitude towards modernity itself. But this scepticism was never powerful enough to prompt a deconstructive rejection of the idea of science (*Wissenschaft*), which he tried to reformulate in relation to the social domain.

Weber's ambivalent relation to modernity as rationalisation was influenced by the Nietzschean *fin-de-siècle* critique, and it prepared the ground, in a lucid and analytical way, as opposed to the visionary and expressionistic style adopted by Nietzsche, to the many issues characteristic of twentieth century sociology and philosophy, namely the abandonment or re-formulation of the very idea of rationality, the reflection of the nature of power and legitimacy, the place and foundation of morality within modernity.

Weber has an established relation to critical theory, despite its controversial and multifaceted reception. In the post-war reconstruction of critical theory in the line of the Frankfurt School tradition, he has played a pivotal role in the discussion of the destiny of the current age in its various manifestations, but with a particular focus on the elaboration of philosophical and sociological models which have become central to the *reconstruction* of rationality.

In the context of the Frankfurt School, Weber has been regarded with both admiration and suspicion. On the one hand, Weber's sociological thought has been characterised, precisely as that of Lukács, Horkheimer, Adorno, and Marcuse, by the diagnosis of a modernity which encapsulates and possibly chokes humanity with ever-incremental forms of domination through bureaucratic control, as a reflex of pervasive rationalisation. The way in which this process has been conceptualised is nevertheless different, as Weber indicated the prevalence of instrumental rationality as the key cause of this situation, and in the concrete manifestation as mechanisation and bureaucratisation, to be contrasted against other, and still theoretically possible forms of rationality, which should be retained as the valuable aspect of modernity and modernisation. The first generation of the Frankfurt School, particularly after the Second World War, collapsed the meaning of instrumental rationality with rationality *tout court*, and tended towards a general condemnation of the whole process.[49]

The suspicion came theoretically from the general orientation of Weberian sociology as counterargument to the orthodox Marxist model, and politically from Weber's advocacy of a constitutional reform of the German state in the line of a liberal-authoritarian model. While Weber has been perceived as the bourgeois sociologist *par excellence,* even as some sort of "bourgeois Marx" (Lukács), the power and richness of his theoretical work have made inevitable an in-depth engagement with his ideas. This is particularly true with regard to the Weberian description of the "ideal type" of the spirit of capitalism, which has its core structure in the concept of rationalisation as the unfolding of the above mentioned aimed rationality (*Zweckrationalität*), which the Frankfurt School will later properly re-label as instrumental rationality. In both cases, the two concepts converge towards the clarification of capitalism as an apparently rationalising phenomenon, which is supposed to eliminate pre- and non-rational forms of social and economic organisation, while in reality capitalism itself appears with closer scrutiny as an irrational enterprise, a circular accumulation of capital for the sake of even more accumulation. It is arguable that Weber became relevant to the Frankfurt School precisely

[49] Seyla Benhabib, "*Modenity and the Aporias of Critical Theory*" in Jay Bernstein (ed.) *The Frankfurt School. Critical Assessments*, London: Routledge, 1994, fist edition 1981, page 116.

in the elaboration of an account of the intrinsic irrationality of capitalism, complementary to that advanced by Marx.[50]

Weber envisaged a way in which it was possible to re-conceptualise the role of culture and of ideas generally without necessarily reducing the whole set of intellectual phenomena to a mere superstructure of material conditions, while offering on the other hand a possible link to psychoanalytical explorations of mass societies and therefore, through a reception of Freud, into a new formulation of critical theory. Weber has played a role as the provider of analytical frameworks and methodological tools which the first Frankfurt School intended to adapt to their core normative goal, particularly clear in Horkheimer and Marcuse's attempts to re-formulate a concept of emancipation which may overcome the perceived limits of earlier stages of emancipatory thought.[51]

The experiment of a critical theory along the lines of Horkheimer's Marxism eventually faltered in the face of the rise of fascism and the intellectual consequences of the Second World War and the Holocaust, leaving behind a heritage of extreme pessimism with regard to the very possibility of organising a theory and praxis of emancipation based on rationalisation: through a new understanding, a new conceptualisation, of reason itself. In this sense Horkheimer and Adorno's *The Dialectic of Enlightenment* surrenders to the Nietzschean radically pessimistic view of modernity and post-Enlightenment philosophy, and consequently they seem to yield to Weber's existential *Angst* in his perspective on the modern age.[52]

As already mentioned in a previous chapter, Habermas stands out in this landscape as the one who has attempted a wide-ranging, ambitious and comprehensive synthesis of the contradictions inherent to the modern age with a view to rescuing the heritage of the Enlightenment by re-working the meaning of rationality, and by systematising the sociological interplay between philosophical conceptions of

[50] Cf. Held, *Introduction to Critical Theory*, *op. cit.*, pages 64–66; Martin Jay, *Dialectical Imagination: A History of the Frankfurt School and the Institute of Social Research*, Berkeley: University of California Press, 1973, pages 259–260.

[51] See John Abromeit, *Max Horkheimer and the Foundations of the Frankfurt School*, Cambridge: Cambridge University Press, 2011.

[52] Jürgen Habermas, "*The Entwinement of Myth and Enlightenment: Re-Reading Dialectic of Enlightenment*", in *New German Critique*, 26, 1982, pages 13–30.

rationality and the shaping of modern society. In doing this, Habermas's proposed theory of communicative action, which assumes the double role of reconceptualising as rationalisation past efforts to grasp modernisation and of proposing a way forward, finds its starting point precisely in the appreciation, critique and re-establishment of central Weberian themes. In the very summarisation of his overall argument in the TCA, Habermas[53] refers to Weber's work in order to focalise the main object of his reflection, and his main thesis. In Habermas's reading, Weber had indeed conceived most of his mature work in an attempt to answer the question of why nowhere outside Europe the development of science, art, state politics and the economic organisation of the society took the path of rationalisation, as it happened in the West, where this transformation occurred along the line of compelling, necessary causes from the perspective of rational action, rational conduct of life and rationalized world-images (*rationales Handeln, rationale Lebensführung, rationale Weltbilder*).[54] This question can be rephrased as the general goal in Weber's theoretical work, namely the achievement of an explanation (*Erklärung*) of Western rationalism.[55] The answer to this question constitutes per se the construction of a whole sociology. And the formulation of a system of sociology is precisely the aim of Habermas's TCA, as he intends to demonstrate how the Western path of modernisation as rationalisation has systematic causes (as opposed to contingent). Habermas recognises in his TCA that Weber has correctly captured the three aspects in which any sociology with socio-theoretical claims must be developed if it is to explore the problem of rationality, namely the meta-theoretical, the methodological and the empirical.[56] He explicitly recognises that his efforts in the theory of sociology can be largely configured as a re-appraisal of Weber's initial arguments about rationalisation, which had then been neglected by professional sociology.[57]

Habermas has therefore dedicated extensive analysis to Weber's sociology, not only in relation to the mentioned concepts of rationalisation and modernisation within a meta-theoretical reflection, but also to the way in which these have gen-

[53] Habermas, *Theorie des kommunikativen Handelns*, Volume 1, pages 22–23.
[54] Habermas, *ibidem*, page 225; Habermas, *Der philosophische Diskurs der Moderne*, page 9.
[55] Habermas, *Theorie des kommunikativen Handelns*, pages 21–22.
[56] Habermas, *ibidem*, page 23.
[57] Habermas, *ibidem*, page 24.

erated the set of social phenomena which famously Weber subsumed under the label of disenchantment (*Entzauberung*). This is especially relevant for Habermas's overall argument, not only in relation to the TCA but also in terms of broader historical and political-theoretical claims, since he understands Weber as "the only one among the classics of sociology, who broke with the premises of historical-philosophical thought as well as with the fundamental assumptions of evolutionism, while at the same he wanted to grasp the modernisation of the old European society as the result of a universal-historical process of rationalisation (*Ergebnis eines universalgeschichtlichen Rationaliserungsprozesses*)".[58]

In the first volume of the TCA, Habermas's main preoccupation is that of working out a concept of rationality and rationalisation which would enable him to recast the Weberian narrative of modernisation as rationalisation within a different theoretical perspective, while maintaining most, if not all, the original empirical and sociological findings. The new theoretical perspective which Habermas proposes intends to re-establish rationalisation as something broader than the definition given by Weber, namely as the "growing theoretical domination of reality by means of increasingly precise abstract concepts, [...] the methodical achievement of a particular, given practical aim through ever-increasingly precise calculation of the adequate means."[59]

In Habermas's reading, Weber's conceptualisation of rationality can be grasped as a fusion of elements which may nevertheless still be analytically differentiated. The first differentiation is between rationality in relation to the theoretical and practical mastery of reality. The focus in Weber's work remains mainly concentrated on practical rationality, which enables control of the environment by orientation to ends, means and secondary results, but it cannot simply be reduced to sheer purposive/instrumental rationality, as it entails a more complex dimension.[60] Habermas is able to break down the instrumental rationality into its technical dimension and in the rationality of evaluating and choosing means in relation

[58] Habermas, *ibidem*, page 207.
[59] Weber in *Gesammelte Aufsätze zur Religionssoziologie* (1963), quoted by Habermas, *Theorie des kommunikativen Handelns*, page 239.
[60] Habermas, *Theorie des kommunikativen Handelns*, pages 239 ss.

to a certain end. Practical rationality includes value rationality, consisting of the selection of the value which informs the purpose of the social action. Practical rationality is therefore differentiated into the three perspectives of employing means, setting means and being oriented to values.[61] More generally, practical reason's conditions are fulfilled only with a combination of purposive and value rationality. These two kinds of rationality can work independently.

Habermas's overall argument in the TCA, as he moved away from the premises of Weberian sociology and sociological theory, becomes at this point dependent upon a critique of Weber and the construction of an argument which, while recovering the sociological findings of Weber in terms of his results in what can be called intellectual historical sociology, goes beyond the flaws that the Habermasian critique is able to highlight in the structure of the Weberian argument. Without going again into the details of Habermas's reconstruction of dialogical reason as a fusion of theory of language and pragmatic philosophy, it is important instead to focus on the way in which he has explained Weber's concept of rationality as partial. For Habermas, "Weber derives such of concept [of rationality] from structures of consciousness that find expression not directly in actions and forms of life, but primarily in cultural traditions, in symbol systems".[62]

The way in which Weber has conceptualised rationalisation is primarily reflected in the twin processes of "systematisation of worldviews" (*Systematisierung der Weltbilder*) and "the inner logic of value spheres" (*Eigenlogik der Wertsphären*). The importance given by Weber to these processes is central in both Weber and Habermas's argument, as the latter largely intends to re-organise the same material around a theoretically enhanced definition of rationality and therefore of rationalisation. It is not surprising that, as Weber put the study of symbolic systems of religions at the centre of this theoretical investigation, particularly revealed religions of salvation, so Habermas as well becomes primarily concerned with the rational understanding and the sociological systematisation of religious categories in order to understand modernisation as the rationalisation of traditional worldviews (life-

[61] Habermas, *ibidem*, page 244.
[62] Habermas, *ibidem*, page 247.

worlds in Habermasian terms). This systematisation of traditional worldviews can present itself under the double aspect of formalisation, scientific systematisation and professional specialisation, as in the case of the legal studies, which do represent probably the earlier form of rationally systematised normative lifeworld, or an aspect of fulfilling "the requirements of a modern understanding of the world, which categorically presupposes the disenchantment of the world." This double process lies at the core of the transformation towards modernity in the form of a formal-operational reworking of the elements of tradition, although it is not identical to modernisation, as rationalisation in formal and operational terms may be present in the intellectual organisation of metaphysical arguments or belief systems, as in the case of theology.[63] All in all, Habermas interprets Weber's rationality as a concept he has formulated in his investigations into historically defined structures of consciousness, namely as emerging from personality and culture,[64] but at the same time recognises that Weber himself had already seen, beyond this culturalist position, the "universal significance and validity" of Western rationalism at the level of methodological reflection.[65]

The illustrated account of rationality put forward by Weber constitutes the starting point of Habermas's reflection on the processes of modernisation as rationalisation, where modernisation assumes the form of secularisation, i.e. the progressive abandonment of religious/metaphysical *Weltbilder* in intellectual discussions aimed at shaping and legitimising social and political orders.

Habermas is particularly concerned with the redefinition of a rationality concept which would enable a different account of the processes of rationalisation. Habermas correctly recognises and acknowledges the fundamental scepticism which animates Weber in relation to basic choices of value rationality. This feature of Weber's thought, which appears to be the sociological projection of Nietzsche's philosophical perspectivism, is especially problematic as it forms the core, in the realm of sociological studies, of a possibly anti-modern attitude which can consti-

[63] Habermas, *ibidem*, page 248.
[64] Habermas, *ibidem*, page 252.
[65] Habermas, *ibidem*, page 253.

tute the theoretical foundation for an anti-modern intellectual and political praxis of a reactionary nature.

Within this perspective, the way in which Habermas has assessed the role of religious traditions in their impact upon the construction of the collective normative orientations underpinning social and political orders, becomes rather complex. On the one hand, Habermas's concentration on the reconstruction of a rationality concept which distances itself from a Weberian culturalist model should lead towards a corresponding reconstruction of the normative, and even ethical discourses, which are based on procedural rules rather than on adherence to tradition and its metamorphoses. Rationality in this sense has been reformulated by Habermas as the inherent quality of social action aimed at intersubjective communication, which proceeds through constant *verification* of knowledge claims. Rationality therefore does not differ in different cultural contexts because of historical and cultural preconditions, but because of different ways in which, in principle, the process of verification can be carried out. On the other hand, however, rationality has to be formulated as the concept which enables rationalisation as the social/historical phenomenon, and it is in the task of the theorist to produce narratives of historical transformations of modernisation which may be coherent with the theoretical model.

Habermas begins by accepting the bulk of Weber's account of modernisation as rationalisation, and in particular rationalisation of traditional (metaphysical and religious) worldviews, raising critical remarks on the point of a reductionist conceptualisation of rationality in Weber, which nevertheless does not invalidate Weber's main narrative about the establishment of the key modern social features (capitalism and the state). However, for Habermas this very narrative needs to be expanded: while Weber has concentrated his attention on processes of rationalisation taking place in traditional cultures exclusively under the aspect of *ethical rationalisation*, Habermas intends to introduce a more complex analysis of the problem. As he portrays modernity culturally as a time of the gradual but constant differentiation and divergence of different spheres of knowledge (and of rationalisation),

namely along the lines of the three Kantian *Critiques*[66] in the direction of science, ethics and aesthetics, so does he intend to describe how the process of modernisation as rationalisation is reflected in a *cognitive* modernisation, not just an ethical one. This allows Habermas to twist Weber's argument in a very different direction: Weber seems to be pointing at the possibility that societies may be animated by different forms of rationality, rather than giving an account of the hierarchical differentiation of societies finding themselves at different stages of (the same) rationalisation. Habermas argues instead for "a conception of rationality that will permit judgements about how rational social arrangements are".[67] In order to promote this argument, he investigates the distinction between mythic and modern societies, where the distinctive trait of modernity lies precisely in the above mentioned differentiation of "value spheres" (*Wertsphären*). On the contrary, the main feature of non-modern, mythic societies is that they do not produce such distinctions, and they fail to do so precisely because they confuse language and world, while modern societies operate such a distinction, which crucially allows them not to confuse "reordering sentences" with "reordering the world".[68]

It is now clear why the understanding of Habermas's account of social and political action, as well as of political order, is crucially dependent on Weber, whose main arguments are re-formulated into a more comprehensive theoretical scheme in order to explain the modern phenomenon, and the centrality of religion, mythic societies and metaphysics, which form the starting point of Habermas's reflection. His engagement with religion and particularly with Christian theology is important to understanding the difficult problems which this approach contains.

5.3 HABERMAS AND THEOLOGY

Habermas's work, well before the publication of the comprehensive TCA in the early 1980s, has attracted the attention of scholars of religious studies and theologians.

[66] Habermas, *Der philosophische Diskurs*, page 9 ss.
[67] Nicholas Adams, *Habermas and Theology*, Cambridge: Cambridge University Press, 2006, page 126.
[68] Habermas, *Theorie des kommunikativen Handelns*, page 80 ss.

This is mostly due to the perceived nature of religious beliefs and traditions as a form of intersubjective communication, as well as to the historical and sociological account of secularisation/modernisation which Habermas's critical theory puts forth. Particularly on this first point it is important to note that a decade-long dialogue between Habermas and the theologians has taken place, whereby a number have attempted to elaborate theological concepts based on the theory of communicative action, which developed largely in the context of the re-discovery and re-definition of theology itself as *scientia pratica*.[69]

Maureen Juncker-Kenny has identified various ways in which what may be called practical theology has engaged with Habermas's TCA. The first one concerns that strand of theological thought, which has "realized the priority of a practical faith in God's self-communication", often in connection with feminist and liberation theologies, and where "orthopraxis became the new criterion to balance and test orthodoxy".[70] Theologians like Jürgen Moltmann, Johann Baptist Metz and Helmut Peukert have seen the possibility of using critical theory in order to approach the problem of political power in a different way, with critical insights enabling theology "to examine the basic conditions of agency to find out whether there could be any capability for transformative, innovative action".[71] Interestingly, those theologians have pointed out the limitedness of Habermas's theory in that it concentrates on a concept of solidarity and consensus-reaching which includes the present and the future only, but excludes the past, which is instead to be reconsidered as the foundation of a sort of anamnestic solidarity (Peukert), and the privileged locus for the creation of an authentic critical theory, when the past is considered as the repository of past memories of suffering (Metz).

The other directions which Juncker-Kenny indicates as important areas of reception of Habermas's TCA are the various sub-disciplines of practical theology, i.e. those mostly concerning pastoral care and theological education. A last interesting direction is the one concerned with the translation of theological proposition into

[69] Maureen Junker-Kenny, *Habermas and Theology*, London and New York: T & T Clark/Continuum, 2011, page 7.
[70] Junker-Kenny, *ibidem*, page 7.
[71] Junker-Kenny, *ibidem*, page 8.

ethical principles. Here authors like Andres Lob-Hüdepohl, Hille Haker and again Johannes Metz have addressed the issue of the foundations of Habermas's universalist dialogical ethics — based on reciprocal recognition and on communicative action, given that these may be considered insufficiently grounded in actual human experiences and therefore exclude possibilities and valuable elements which Habermas has not considered or has deliberately left outside his theory of morality. Andreas Lob-Hüdepohl[72] has pointed out the inadequacy of a theory on communicative action in elaborating the ethical dimension of the spontaneous offering of opportunities to the other, even without expecting reciprocity.[73] Hille Haker[74] has instead criticised Habermas for not taking into account the problem of subjective identity in relation to discussions of moral questions, highlighting as "the question of identity arises first at the level of 'ethical' evaluations of what one considers as 'good' before these judgements become the matter of justification by the standard of universalizability".[75] Expanding the point briefly mentioned above, advanced by Johannes Metz on the role of past memories of suffering as a starting point of a critical theory, the same theologian (Metz 1996) explores the possibility of democratic consensus within modern society in relation to the presence and the possible contribution of social institutions, which Habermas would regard as the embodiment of traditional lifeworlds, especially religious institutions.[76] This point is answered positively, as religious institutions are conceptualised by Metz as those "which understand themselves as accumulated memories, which keep a reservoir of memory accessible that is able to structural diffuse, communicatively untameable lifeworlds".[77] Metz's idea of the role traditional institutions may play in a modern society organised around a cognitive-dialogical consensus, as in Habermas's theory, has anticipated a move which Habermas himself has successively made in

[72] Andreas Lob-Hüdepohl, *Kommunikative Vernunft und theologische Ethik*, Freiburg: Universitätsverlag, 1993.
[73] Junker-Kenny, *Habermas and Theology*, page 30.
[74] Hille Haker, "*Kommunitarische kritik an der Diskursethik*", in *Ethik und Unterricht*, 5, 1994, pages 12–18.
[75] Junker-Kenny, *Habermas and Theology*, page 33.
[76] Johannes B. Metz, "*Monotheismus und Demokratie. Über Religion und Politik auf dem Boden der Moderne*", in Jürgen Manemann, *Demokratiefähigkeit* (*Jahrbuch Politische Theologie I*), Münster: LIT Verlag, 1996, pages 39–52.
[77] Junker-Kenny, *Habermas and Theology*, page 35.

his reconsideration of current societies as "post-secular", in the aftermath of the resurgence of religion from the mid of 1990s.

Habermas not only attracted the attention of theologians and sociologists of religion who saw potential applications of the TCA in their respective fields: he was also criticised for philosophical positions which seemed to threaten the whole enterprise of theology and its contribution to modern cultural life.

Habermas's well know reformulation of a theory of progress (although not necessary, and not intended as an explicit philosophy of history) through a stratification of the social process of learning, conceptualises, as already illustrated, metaphysical and theological explanations of reality as intermediate phases, which may be overcome by further critical practices leading towards a fully post-metaphysical age, in which the role of philosophy is re-formulated as that of an exegetic-hermeneutic work but is always tasked with preserving the unity of reason in the various sciences. This formulation of a new era and a new philosophy (post-metaphysical) has attracted critics who saw on the one hand an excessive confidence in the very idea that a paradigm shift from the philosophy of consciousness to a philosophical science of language can successfully accomplish such a dramatic cultural change, or that it may be feasible because of its inherent contradictions, and on the other that such a transition would occur only at the cost of leaving behind, ignoring, and losing, important elements of the "unspoken" which are nevertheless constituent ingredients of the human condition. Both critiques seem to converge towards the point that Habermas, despite his initial commitment to avoiding naturalistic tendencies which have been proper to the philosophy of consciousness and which would be one of the key elements to understanding the failures of previous critical attempts, falls back into the mistake of naturalism himself.

Michael Theunissen[78] analyses Habermas's defence ring against the risk of the hypostatisation of nature, i.e. of reifying the foundation of subjectivity. This defence seems to be established in Habermas's rejection of the Marxian distinction between labour and interaction as the two constitutive elements of social action,

[78] Michael Theunissen, "*Society and History: A Critique of Critical Theory*" in P. Dews (ed.), *Habermas. A Critical Reader* (Oxford: Blackwell), 1999, pages 241–271.

which ought instead to be differentiated along the model of Kantian categories of the transcendental subject; the same Kantian theme is used in relation to the "knowledge-guiding interests" when they are introduced as providing the "conditions of possible objectivity" as opposed to "particular interests". Theunissen considers all these elements to reflect Habermas's stated will to exclude naturalistic tendencies, as there "can be no place for an objectivistic ontology of nature in a picture which portrays the being of every entity as constituted by a transcendental subject".[79] However, Theunissen then highlights how Habermas has successively interpreted "both objective and subjective nature in a way in which nature wins out over history",[80] namely in his anchoring the transcendental achievements of the subject once again in an objective nature of the human species and its "natural history". According to Theunissen's reading of Habermas's idea of subjective nature, "nature creeps upward into the subject from its base, eventually objectifying it from the inside... Nature penetrates the very activities of consciousness, and petrifies the transcendental horizon of world constitution into what Habermas so often refers to as a 'frame of reference', which is inherently something static, [...] which man carries around him, like a snail its shell."[81]

Despite Habermas's attempts to overcome the problems emerging in a philosophy of consciousness in relation to the issue of reification through naturalistic tendencies, Theunissen's critique points at the very limited, if any, success in achieving this goal, thus casting important doubt upon the very idea that a philosophical shift from consciousness to language may be the decisive move in overcoming the problems of twentieth century philosophy.

Dieter Henrich[82] has reiterated the critique of naturalistic tendencies in Habermas, although his argument appears instead centred on the concept of the lifeworld. The essence of Henrich's critique, Henrich being favourable to the preservation of the project of modernity, is that Habermas is trying to rescue modernity with the wrong means, namely by uncritically accepting much of the framework of the phi-

[79] Theunissen, *Society and History*, page 253; Juncker-Kenny, *Habermas and Theology*, page 51.
[80] Juncker-Kenny, *ibidem*, page 51.
[81] Theunissen, *Society and History*, page 254.
[82] Dieter Henrich, "*What is Metaphysics — what Modernity*?" in Peter Dews (ed.), *op. cit.*, pages 291–319.

losophy of language. He particularly sees this in the way in which Habermas uses the concepts of lifeworld in an "unproblematic" way. The point here is less direct than the one advanced by Theunissen, in that Henrich does not blame Habermas for open naturalistic bias, but he remarks how Habermas does not engage with this problematique in an explicit way when it comes to the articulation of his theory of society, by considering the concepts and terms of philosophy of language as if they were unproblemantic, while they continuously depend on interpretation and reconstructions. This has for theological thought two implications: first, that the relations between the self and the other are more complex than what emerges from the discussion of linguistic-sociological categories. As Henrich argues, "the self-understanding of human beings leads to conflicts between equally convincing self-descriptions [which] force us to seek some more comprehensive dimension in which these conflicts could finally be resolved, one which would make possible a self-description which reconciled the primary self-description".[83] The science of language and its philosophical reformulation by Habermas cannot capture the entirety of these processes, which may occur at different levels.

Secondly, Habermas's idea of a lifeworld which appears per se as complete, and in which everything has found its answer, becomes problematic for the theologians, who are committed to the openness of reason in order to defend the very idea that human history is the unfolding history of its salvation by God, and therefore there cannot be a domain of reason which we regard as complete until the completion of human history with its ultimate salvation.[84]

5.4 THE RESURGENCE OF RELIGION

In the last two decades, the in some ways unexpected comeback of religion has posed questions which demanded a new conceptualisation of the role of religious beliefs within Western societies, as the (apparently) simple dichotomy between

[83] Dieter Henrich, *"What is Metaphysics"*, *op. cit.*, pages 296–297.
[84] Junker-Kenny, *Habermas and Theology*, pages 55–56.

religious-mythic and secular-modern societies appears less convincing.[85] Habermas's position has been famously framed within the idea of *post-secular societies*, i.e. social settings which have seen a return of interest in religious ideas but without having a major impact on the fundamentally modern orientation of the society. Even more, Habermas argues that a postsecular society is the one in which "religious communities continue to exist in a context of ongoing secularisation", and he has articulated a view arguing for the separation of the theory of modernity from secularisation theory.[86] From the social and political perspective, Habermas has rehearsed the liberal argument of the secular, liberal state which arises from competition with religious worldviews but at the same time recognises the religious freedom of their citizens, both individually and as religious communities. This freedom is extended to the public sphere, in the form of the recognised possibility of putting forth arguments in collective discussion in the form of religious arguments. For Habermas, "insofar as they act in their role as citizens, secularized citizens may neither fundamentally deny that religious convictions may be true nor reject the right of their devout fellow-citizens to couch their contributions to public discussions in religious language".[87]

Despite this opening towards religion in terms of social practice, at a cognitive level, the one which is for Habermas of primary importance, the resurgence of religion seems to have had a rather limited impact, and certainly it did not bring about a fundamental change in his thought. The admissible arguments coming from religious individuals and communities, and formulated in a religious language, are indeed admissible to the public sphere but essentially as reflections of "common ritual praxis" and "the specifically religious discourse of the individual".[88] It is far less clear whether the articulation of theological argument can have a full citizenship within the post-metaphysical public sphere of a secular, modern state. Habermas argues that the secular public sphere (and arguably the corresponding secular state)

[85] On this topic, see Thomas Scott, *The Global Resurgence of Religion and the Transformation of International Relations: The Struggle for the Soul of the Twenty-First Century*, Basingstoke: Macmillan, 2005.
[86] Jürgen Habermas, "*Ein neues Interesse der Philosophie an der Religion?*" in *Deutsche Zeitschrift für Philosophie,* 58, 2010, pages 3–16.
[87] Jügen Habermas, *Between Naturalism and Religion*, Cambridge: Polity, 2008, page 310.
[88] Jürgen Habermas, *Religion and Rationality*, Cambridge MA: MIT Press, 2002, page 73.

can appropriate experiences characterizing theological argumentation, as well as discoursive/cultural resources coming from a non-objectified, hermeutical understanding of references to the religious discourse, but at the same time "under the conditions of postmetaphysical thought, [...] philosophy cannot appropriate what is talked about in religious discourse *as* religious experiences." These experiences could only be added to "the fund of philosophy's resources, recognized as philosophy's own bases of experience, if philosophy identifies these experiences using a description that is no longer borrowed from the language of a specific religious tradition, but from the universe of argumentative discourse that is uncoupled from the event of revelation."[89]

Crucially, Habermas advances the idea that the resurgence of religion should not automatically mean a resurgence of theology as the metaphysical elaboration of religious praxis and experiences. These latter are in a sense admissible, the former not. He therefore continues to hold on to his idea that theology, like metaphysics, has been superseded in the Weberian process of modernisation as rationalisation, and it has no place in the current era. He is explicit in affirming therefore that "under the conditions of postmetaphysical thinking, whoever puts forth a truth claim today must, nevertheless, translate experiences that have their home in religious discourse into the language if a scientific expert culture — and from this language retranslate them back into praxis".[90]

Ultimately Habermas has reached a point where the extensive dialogue with theologians, which started back in the 1970s, has yielded little result in terms of acceptance of critiques and reconsideration of the initial argument. Particularly the critiques of Peukert, Theunissen, Henrich, Haker have tended to demonstrate, with rather solid arguments, the point that Habermas may simply have a too narrow conception of the relations between religious practice and theology, or perhaps an overly simplistic understanding of the religious phenomenon tout court, as reflected in the very idea of keeping religious experiences separated from their theological projections (or underpinnings?). Nicholas Adams in his study of the

[89] Habermas, *ibidem*, pages 74–75.
[90] Habermas, *ibidem*, page 76.

relations of Habermas to theology and religion eventually explains this attitude by considering how reflections on religion and theology do form, within the economy of Habermas's work, a rather contradictory role. On the one hand, it is centrally important as the key to understanding modernity and the problem of organising socio-political order within it, particularly as a consequence of the Weberian reflection, which Habermas appropriates and expands. On the other, however, "Habermas is interested in a generalised account of rationalisation. The speculative narrative about religion, which is barely defended, is a wholly secondary matter".[91] The same seems to be valid for the narrative of rationality: "Habermas's primary concern is a generalised account of rationality, [...] His account of the decline of religion is of a wholly different and lower order, and nothing he says here is of sufficiently careful formulation to warrant detailed rebuttal".[92]

Habermas's approach to religion is marked by a sort of circularity, which appears to be dependent on his very attempt to bend Weber's sociological enquiry to the theoretical enterprise of creating a full-fledged theory of rationality and rationalisation. Instead of explaining religion and its decline, Habermas takes this as a given, as his "theory presupposes, but does not actually demonstrate, the overcoming of religion".[93] In a recent article, Carlo Invernizzi Accetti has even articulated a reading of Habermas's theory as kind of political theology.[94] This position analyses how, in the Habermasian model, the source of legitimation in a post-metaphysical, post-theological phase of history should be the assembly of the citizens as political deliberative body, according to the principles of self-legislation and popular sovereignty, in an ideal speech situation, where the formal pragmatics are at the core of this very theory, as discussed in Chapter 2. But interestingly, Invernizzi argues, Habermas is also very clear in explaining that the ideal speech situation will never be fully realised, but remains an unreachable model of normative purity. Therefore, because the fundamental criterion for assessing the legitimacy of political forms of life retains a clear transcendental nature, Habermas appears to be in-

[91] Adams, *Habermas and Theology*, page 152.
[92] Adams, *ibidem*, page 152.
[93] Adams, *ibidem*, page 153.
[94] Carlo Invernizzi Accetti, "*Can democracy emancipate itself from political theology? Habermas and Lefort on the permanence of the theologico-political*", in *Constellations*, 17 (2), 2010, pages 254–270.

troducing in his political model an element that operates precisely as a theological component in pre-modern historical stages. As medieval kingdoms were considered the imperfect copy of the perfect City of God, so deliberative democracies would be imperfect copies of an ideal speech situation, and humans are doomed to struggle in the hermeneutic effort of adapting their imperfect, earthly world to the celestial perfection of a transcendental model.

5.5 CONCLUDING REMARKS

This chapter has highlighted another aspect of the reciprocal relation between two radical possibilities in the theorisation of order at this juncture of modernity, namely the indebtedness of both Schmitt and Habermas to Weber's sociological reflections on secularisation and modernisation. However, despite the existence of this genealogical link, the two authors have used in their respective works readings of Weber prioritising different aspects of his sociological understanding of modernity. As shown in the case of Schmitt's *Roman Catholicism and Political Form*, Weber's is considered a model argument, against whose background, in a complementary fashion to the *Protestant Ethic and the Spirit of Capitalism*, Schmitt has envisaged the rise of the modern state from the historical example of the Catholic Church, thus again strengthening the point, which for him is the most urgent, that a sociology of the concept of the state is necessary in order to counter legal positivism. Schmitt has therefore expanded Weber's sociological work in a direction which was congenial to his own intellectual goals.

For Habermas, Weber is the key author for the explanation of modernisation processes which have revealed themselves primarily in the transformation of theological concepts by means of a universal-historical dynamics of rationalisation. The Weberian heritage is then criticised and re-worked by Habermas with the goal to re-orientate the core point of his sociological argument towards a dialogic concept of rationality. From the perspective of the theorisation of order, the Habermasian engagement with the theme of religious and theological accounts of the

world has remained initially limited to a rather straightforward account of secularisation as successful overcoming of metaphysical thinking. Successively, however, Habermas has been driven towards a more direct engagement with the topic of religious resurgence in postsecular societies, and various critiques from a number of theologians have moved against his theoretical position. Even within this relatively new context, Habermas has continued to defend, in its essence, the idea that after the occurrence of secularisation processes as described (among others) by Weber, and which form the crucial component of a critical understanding of modernity, theology and religion can only play a complementary role in the political ordering of the world, which should continue to be driven by dialogic rationalisation for the fostering of human emancipation. This complementary role is supposed to be exercised within the context of the public sphere, where religious communities contribute arguments which must in any case undergo a process of translation into the "language of scientific expert culture", which is appropriate for a postmetaphysical world.

CONCLUSIONS

SUMMARY OF THE ARGUMENT

This thesis has highlighted the inadequacy of the theoretical investigation on the concept of order in the discipline, although the problem is not only related to the quantity of published research. It appears clear that order may not be simply considered a primitive concept unsusceptible to further analytical reduction into its more elementary, constitutive parts. On the contrary, order can be shown to be the product of those elements which inform the way in which Being (as world, nature, universe, God...) is conceptualised, and in the specific case of politics and international politics, the political being. As illustrated in the Chapter 1, despite the almost ubiquitous use of both the term and concept of order in the domain of international studies, and even more specifically of IR theory, this very concept has been rarely subjected to an explicit process of deconstruction and reconstruction within the discipline. IR theory lacks almost entirely, with the notable exception of a few authors, an explicit discussion aimed at defining the concept of order, despite its ubiquitous use in the literature. In this sense, therefore, the articulation of a theory of order must start essentially from the beginning. Of course, the lack of an explicit theorisation of order can be largely framed as a reflex of the misleading tendency to take order for granted while effectively hiding the question of order from problematisation. The first step in rethinking the question of order is therefore the openness towards its critical problematisation, which largely goes in the direction of considering the foundations of order in the discussion of political theology, secularisation and modernity.

When a philosophical-historical perspective is assumed, order appears from the very beginning as a concept arising from ancient philosophical theology, as

notably in the case of Aristotle, where order is defined as the way in which the supreme good is immanent in the world, it is the *logos* of the world. The divine nature of the Aristotelian conception of order was destined to remain among the core set of ideas for thinking about order throughout the centuries. Humans participate in order only partially and in the varying measure and modes in which the divine is immanent in the world in its various domains. This metaphysical conceptualisation of order, once adapted to the necessities of Christian theology in late antiquity and in medieval thought, remained virtually unchallenged until the modern age. The problem of order from the contemporary perspective is therefore essentially the problem of re-defining political order within modernity, and that may only be achieved through an interrogation of the meaning itself of modernity and modernisation processes for political concepts. The fundamental dichotomy introduced by modern thinkers, and already *in nuce* by Descartes's conceptualisation of order as something inherent to the method and the teleological disposition of the enquiring spirit, is essentially one that either tries to translate the divine substance of order into an apparently less religiously charged concept such as "nature" or "history", or instead pushes the argument that order is a category of human thought and a product of subjectivity, not therefore a property of the observed object. But if order arises from subjectivity, the risk of a relativisation drift in conceptualising what order is becomes explosive.

From the perspective of IR studies, already in Raymond Aron's reflections, order for international politics is something which should entail both a descriptive and a normative component, and, from the peculiar perspective of this author, should be aimed at the identification of ways to arrange peaceful coexistence between different political communities. Hedley Bull's reflection on order, arguably the most articulated among those offered by the "classical" authors of IR studies, expands the initial idea of order as a "pattern leading to a particular result", namely for the promotion of certain ideas and values. The problem becomes therefore transposed onto those ideas and values which are supposed to confer to a simple pattern the status of "order", how to formulate them and how to make them engage within the reality of politics. Precisely this point is what puts at the centre of

any reflection on order the problem of how to define the language and the basic principles of collective normative orientations, whereby the discussion inevitably shifts from the problem of "what is order/" to "how is it possible to construct a stable normative system?". Nicholas Rengger has correctly captured that the core dimension of the question of order lies in the identification of a philosophical *quid* conferring stability ("guaranteeing") to any account of order, which has traditionally been found in metaphysical and theological images of the world, but which have been destabilised by modern rationalism.

This thesis has argued that the path towards rethinking the concept of order in international political theory ought to start from an evaluation of the two possible poles between which such a reconstructive work should take place, namely with a full appreciation of the radical possibility of recovering theological narratives, or of the opposite tendency, which aims to identify those elements which may support the continuation of a rational deconstruction of theological and metaphysical narratives.

This research has identified Carl Schmitt as the prototypical author who has envisaged the recovery of a theological dimension in the discussion of the political, and who has most clearly attempted a theorisation of the constitutive link between the theological and the political. This constitutive link lies, as Schmitt explains in his *Political Theology*, in both the historical continuum of theological concepts becoming absorbed into the theoretical construction of the modern state, but also in terms of the continuous structural analogies between theology on the one hand, *Rechtswissenschaft* and *Staatslehre* on the other. The concept of order in international politics for Schmitt emerges out of the discussion of the transition that such an order was undergoing at the time he was writing, namely the disintegration of the *jus publicum Europaeum* as the order of a world made of states, whereby this crisis of international order is simply a reflection of the more intimate crisis of the state projected into the international dimension. The rising disorder of the world reveals how order can only arise as the embodiment of the politics of a friend/enemy dialectic, which dissolves into chaos once the distinction between friend and enemy becomes blurred (as in the Schmittian critique of liberal ideologies).

Schmitt's contribution to the question of order lies consequently in the way in which he is able to provide an *ante litteram* answer to Rengger's questioning of what precisely *can* guarantee order in the modern condition. Schmitt's answer is that what guarantees order in modernity is the same which guaranteed it in the past,the concepts of modern political theoretical constructions being no less than secularised theological concepts, which have nevertheless not lost their constitutive link to theological accounts of the world. Order depends still, as before, upon a political theology. This political theology can then be articulated and better explained as the continuation of Max Weber's work on the sociology of religion, when the Weberian heritage is pushed towards the extreme point of capturing the supreme metaphysical concepts, and its language can no longer be the language of sociology. Sociology of religion becomes sublimated into a political theology every time it attempts to address the mysterious nature of the vantage point from which order is constructed (i.e. the revelation or ἀποκάλυψις [apokálypsis]).

A second radical possibility for conceptualising international order in the modern context has been identified in the work of Jürgen Habermas. Habermas attempted to save the project of modernity following the catastrophic setbacks at the beginning of the twentieth century through a reconceptualisation of rationality. Habermas's idea of international order rests on the rationality immanent in dialogic forms of intersubjective communication. As such, Habermas's answer to Rengger's question can be that the "something" guaranteeing order in modernity, after the deconstruction of metaphysical and theological (and theologically derived) foundations of political order, is the philosophical science of language (i.e. Habermas's own theoretical work) which grounds a rational political theory, both domestically and internationally, from which order is articulated. Order in Habermas, as in Schmitt, is essentially law, and especially at international level, it is international law. Of course, the way in which Habermas conceptualises law is radically different from Schmitt, as Habermas essentially recovers aspects of the legal positivistic tradition but integrates it with instances coming from his theory of democracy, in terms of the legitimation of legal norms in the context of the political community. The construction of a legal order, even at international level,

is therefore dependent upon the existence of a public sphere in which arguments are formulated with reference to legal norms, to be discussed within parliamentary institutions, which have to remain porous to the discussions taking place within the public sphere. Clearly, the Habermasian conception of order is centred on the characteristic of its emancipatory nature, which directly descends from the emancipatory drive inherent in Habermas's reconstructed concept of rationality.

The key aspect of the Habermasian view on order is therefore its emergence from a particular concept of rationality, dialogic and intersubjective, which animates the social and political processes of modernity as emancipation, and which directly informs IR critical theory inspired by his work. From an historical perspective, then, order appears as the product of a stratification of social knowledge generated by processes of social learning. At the very origin of the Habermasian account of processes of this social, historical emancipation, lies the rationalisation of metaphysical and religious accounts of the world, and particularly of political legitimation. This rationalisation takes the form of an analysis of the validity claims in theological and metaphysical propositions, which he terms linguistification of the sacred, and which has determined the overcoming of the conceptualisation of the political in metaphysical and theological terms. Modernity, the project of human emancipation which Habermas intends to re-elaborate and re-establish from its philosophical and sociological foundations, is therefore essentially conceived as the successful secularisation of religious forms of order and their theological theorisation.

The two radical possibilities of a Schmittian re-appraisal of the inherent theological nature of modern political concepts, and the necessity of a sociology transcending into a political theology (or the Habermasian re-instatement of modernity as secularisation proceeding from a linguistification of the sacred) highlights how the problem of critically rethinking the concept of order in the modern context necessarily depends upon a discussion of modernity as secularisation, and on the evaluation of the theological and the metaphysical narratives which since the beginning of the history of the concept have been at the core of its construction. Unfortunately, despite the genealogical link between the two authors, traced back

to Weber's sociological work, it appears that the interaction between the two theoretical perspectives has been extremely limited and in many aspects unfruitful. As shown in Chapter 4, Habermas's reading of Schmitt appears heavily conditioned by a traditionally dismissive approach to Schmitt in the context of the Frankfurt School, whose origin can be traced back to Herbert Marcuse's early engagement with this author in the 1930s, and by the successive representation of Schmitt as a theorist of fascism whose contributions to the field of political and legal theory is essentially destructive.

Relatively more fruitful has been instead the evaluation of the Habermasian argument on secularisation from the perspective of the theologians and in the context of the so called resurgence of religion. Theological critiques of Habermas have highlighted the problematic aspects of his reconstruction of rationality and of rationalisation in terms of secularisation and deconstruction of theological and metaphysical images of the world. This critique has concentrated predominantly on the one hand on underscoring first the limitedness of the linguistic tool in grounding a social theory which risks ignoring "the unspoken" and secondly the possible hypostatisation of nature in Habermas's concept of subjectivity. On the other hand, as put forward by Nicholas Adam, in his assessment of the overall systemic structure of Habermas's argument, the linguistification of the sacred, namely the rationalisation of the theological, oddly appears both as the premise and as the result of the process of rationalisation itself, and consequently of the foundations and the results of his reconstructed concept of rationality. In sum, from a theological perspective Habermas seems to have neglected, or not fully appreciated, the rationality inherent in theological thinking. Finally, while Habermas appears to be aware of a number of issues concerning the symbolic relation between the religious and the political, he has nevertheless not envisaged the possibility of a re-assessment of the theological and metaphysical within the context of his critical theory.

RETHINKING ORDER: TRAJECTORIES IN IR THEORY

This research has shown how IR studies have a problematic relation to the concept of order, as its frequent and almost ubiquitous use does not seem to be matched by an adequate theoretical investigation. There is also a remarkable discontinuity in the literature on the topic, which appears to proceed without a clearly defined direction, whereby, rather often, recent publications do not refer to established research results and reflections on the issue. As shown in Chapter 1, already in Aron it is possible to find a clear reference to the double dimension of order as both descriptive and normative, while Rengger already articulated a comprehensive analysis of the relations between the problem of order and the stability of any such concept within the context of the modern condition. However, Phillips's recent work seems to have largely overlooked this literature, being therefore compelled to "rediscover" the descriptive/normative dualism of order, and highlighting the inherent link between order and the great cultural traditions (largely religious), in which the "normative complexes" (informing any concept of order) are embedded. Indeed, there can be no conceptualisation of order, once its normative dimension is accepted, which does not incorporate a discussion about what ties human societies at a deeper level, to use James's words: "the sources of basic values regarding human dignity, human motivation and conduct".[95] This research has explored two radically different possibilities for the identification of those sources of basic values, coming from two different understanding of modernity and secularisation. However, in both cases it has been shown how the search for normative foundations, in the Western tradition, leads in a more or less mediated way to the Christian roots of much of the concepts which constitute the basic vocabulary of Western theories of the law, of the state, and of the international. While this is obviously much apparent for Schmitt in his politico-theological thesis, it emerges nevertheless also in Habermas's complex relation with religion both in his sociological theory of rationality, and in later works on the position of religious groups within liberal democratic political systems.

[95] James, *International Order After the Financial Crisis*, *op. cit.*, page 536.

The trajectory for the re-conceptualisation of order clearly leads towards the exploration of the normative drive that is supposed to inform any conception of order, and such normative drive is constructed against the background of existing definitions of good, of justice, and of historical (possibly eschatological) narratives. Re-thinking the concept of order in international politics means therefore, as a necessary step, the establishment of stronger links with existing literatures debating the above mentioned topics of the relations between religion and politics, especially on the specific point of political theology, and on the place of religion within the current liberal-democratic constitutional framework, and of secularism. As illustrated in this thesis with the example of Carl Schmitt, Jürgen Habermas and their complex relation with religion for their political and sociological theories of order, the political relevance of religious and theological concepts appears to constitute a still largely unexplored literature for IR studies, as religion is still largely taken, particularly in the context of constructivist theories, simply as a "variable" for the definition of collective identities, but a variable whose complexity and political nature is often not fully grasped.[96]

The theorisation of order has consequently to start precisely from the evaluation of whether, and to what extent, the normative complexes underpinning the various conceptualisations of order are indeed based on the secular re-elaboration of religious and theological concepts, on the nature of this process of secularisation, and on the inherent relations between religion and politics. Eventually, the path that this research wants to suggest as a trajectory for the conceptualisation of what order is in international politics, is that of reconsidering the role of theological propositions in the construction of normative complexes, propositions which have to be evaluated in their political potential, not simply as a cultural manifestation in a domain separated from political life, namely religion. This may consequently also lead towards the appropriation within IR studies, on the point of order, of the established literature on the deconstruction of the very category of

[96] Mona Kanwal Sheikh, "*How does Religion Matter? Pathways to Religion in International Relations*", in *Review of International Studies*, 38 (2), 2012, pages 365–392.

"religion" as a separated domain,[97] at least in two different ways: firstly, in considering how stable and consistent the category of religion is in relation to history and ethnography (religion as meaning different things in different times, and the tenability of a category in which elements so diverse as Judaism, Shintō and Confucianism are still to be considered parts of the same set, the historical construction of religions themselves); secondly, in considering how the very establishment of the category of religion in the modern context has been historically a profoundly political act, given its immediate connection with the issue of freedom of religion as one of the pillars of the liberal order of Western societies.[98] A re-organisation of the IR conceptualisation of order may therefore encompass a different approach to religious identities, which are (as they have been historically) subjected to being shaped politically, and therefore it should entail a much more upfront discussion of religious politics and the political manipulation and/or construction of forms of religious identification. The debates about religion that a discussion of order should re-appropriate are largely connected, of course, with the early sociological enquiries conducted by Durkheim[99] and Weber (as addressed in this thesis), therefore assessing the meanings of secularisation and the evaluation of its success in the light of successive sociological and politics works, such as William Connolly's *politics of becoming*,[100] Charles Taylor's *Secular Age* [101]and of course Habermas's engagement with the topic, as previously discussed.

The redefinition of the concept of order in IR should also be more strongly connected with a growing literature, already present in international studies, which deals directly with the role of religion and the problem of secularisation, from different perspectives, and which it has already embraced the above mentioned philosophical and political-theoretical discussions. This emerging literature within IR studies concentrates predominantly on the place to be attributed to religious be-

[97] As addressed for instance in Talal Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam*, Baltimore: Johns Hopkins University Press, 1993.
[98] This of course may make the academic work of deconstructing religion with the goal of re-politicising it, i.e. to re-appropriate its content as a political one, particularly controversial from a Kuhnian perspective of the viability of such a research project.
[99] Émile D. Durkheim (ed. William Pickering), *Durkheim on Religion*, London: Routledge, 1975.
[100] William Connolly, *Why I am not a Secularist?*, Minneapolis: University of Minnesota Press, 1999.
[101] Charles Taylor, *A Secular Age*, Cambridge MA: Belknap Press, 2007.

liefs and organisations in the context of the so called "global religious resurgence", as addressed in Jeffrey Haynes's *Religion and the International Relations in the 21st Century*,[102] Eva Bellin's *Faith in Politics*,[103] Jack Snider's *Religion and International Relations Theory*,[104] Daniel Philippot's assessment of global politics and religion,[105] and Mika Luoma-Aho's *God and International Relations*.[106] Alongside with this set of authors and studies about the place of religion within IR, important for the theorisation of order is therefore certainly the growing group of works on the nature and the future of secularisation, especially Peter Berger's edited volume *The Desecularization of the World* ("the assumption that we live in a secularised world is false"),[107] Elizabeth Shakman Hurd's *The Politics of Secularism in International Relations*,[108] Erin Wilson's *After Secularism: Rethinking Religion in Global Politics*,[109] and the more recent work by Adrian Papst.[110] In these works, the focus of the discussion is still largely the assessment of secularization (in its various definitions) in the context of a world where indeed numerous collective forces which have been traditionally labelled as "religious" are becoming more and more influential in the political sphere, thus openly challenging the paradigm of (Western) secularised modern politics, and the related political model. This line of argument has been recently reiterated by Friedrich Kratochwil in his recent *Politics, Law, and the Sacred*,[111] where

[102] Jeffrey Haynes, "*Religion and International Relations in the 21st Century: Conflict or Cooperation?*", in *Third World Quarterly*, 27 (3), 2006, pages 535–541.
[103] Eva Bellin, "*Faith in Politics: New Trends in the Study of Religion and Politics*", in *World Politics*, 60 (2), 2008, pages 315–347.
[104] Jack Snyder (ed.), *Religion and International Relations Theory*, New York: Columbia Univesity Press, 2011.
[105] Daniel Philippot, "*Has the Study of Global Politics Found Religion?*", in *American Review of Political Science*, 12, 2009, pages 183–202.
[106] Mika Luoma-Aho, *God and International Relations: Christian Theology and World Politics*, New York and London: Continuum, 2012.
[107] Peter Berger (ed.), *The Desecularization of the World: Resurgent Religion and World Politics*, Grand Rapids: Eerdmans, 1999, page 2.
[108] Elisabeth Shakman Hurd, *The Politics of Secularism in International Relations*, Princeton MA: Princeton University Press, 2008.
[109] Erin Wilson, *After Secularism: Rethinking Religion in Global Politics*, Basingstoke: Palgrave Macmillan, 2012.
[110] Adrian Papst, "*The Paradox of Faith: Religion beyond Secularization and Desecularization*", in Craig Calhoun and Georgi Derlugian (eds.), *The Deepening Crisis: Governance Challenges after Neoliberalism*, New York, New York University Press, 2011, pages 157–182; "*The Secularism of Post-Secularity: Religion, Realism, and the Revival of Grand Theory in IR*", in *Review of International Studies*, 38, 2012, pages 995–1017.
[111] Friedrich Kratochwil, "*Politics, Law and the Sacred: a Conceptual Analysis*, in *Journal of International Relations and Development*", 16, 2013, page 1–24. See also his previous contribution on this same topic: Friedrich Kratochwil and Mariano Barbato, "*Towards a Post-Secular Order?*", in *European Political Science Review*, 1 (3), 2009, pages 317–340.

he openly challenges "the myth of a purely secular and contractarian international order",[112] namely the one allegedly emerged from the Peace of Westphalia, and the idea of progress. Kratochwil also wants to show how the "the narrative of progress is hardly 'progressive' (in the sense of increasing our understanding)", since the problems addressed by religious and metaphysical accounts of human life "are not passé, but still with us".[113] Even more, he intends to highlight that "religions have not the monopoly for millennial derailments, since even 'secular' projects, such as human rights, have that crusading potential".[114] However, even in the context of this growing literature on secularism, the prevalent argument remains anchored in a rather dichotomous scheme centred on the "secular" on the one hand as opposed to the "religious" on the other — particularly with the development of a critique of the Western "orientalist", positivistic and allegedly secular position. From the perspective of order, while the reconceptualization of order in IR appears to be dependent on a problematisation of these categories, rather than on their reinforcement, the exploration of the normative drivers for the organisation of collective human life, even at the international level, should be premised on an investigation of the reciprocally constitutive relationship between theological and political concepts, thus blurring this dichotomy, whose usefulness can be historically deconstructed (and contextualised), thus paving the way for new re-conceptualisation according to the mutated political circumstances. This last judgement, of course, completely evades the confinements of academic enquiry, but belongs to the domain of political decisions.

Another relevant and growing literature which the re-conceptualisation of order in IR should address in recovering the religious-theological roots of normative principles in political order is the one re-assessing the importance of religious thought as a key driver in the intellectual work of early IR theorists, and the significance of the long "detour", which the discipline has taken while embracing positivist epistemologies from the late 1950s onwards. This historical argument is not

[112] Kratochwil, *Politics, Law and the Sacred*, page 1.
[113] Kratochwil, *ibidem*, page 3.
[114] Kratochwil, *ibidem*, page 3.

new, as it was first articulated by Steve Smith in a 1992 publication,[115] but it has been growing in prominence with successive studies concentrating on the Christian roots of the English School's realism,[116] on Hans Morgenthau's political theology,[117] and of course the relation between theology and international politics in Reinhold Niebuhr.[118]

This growing literature on the pervasiveness of theological and religious convictions in a large number of key early IR scholars reveals the extent to which the basic normative propositions in some of the most influential early articulations of international order have often come directly from the sphere of religious thought in the disguised way of simply "rational", liberal, universal "values", whose de-politicisation and under-problematisation has also negatively contributed to the limited theoretical work on a conceptualisation of order. If order is to be better understood and theorised, also by means of a retrospective reading of classical IR literature, the clarification of these relations between the religious background and the political proposals of those authors assumes the important aspect of a fresh reading of the discipline in its entirety, opening new research perspectives.

Clearly, this research cannot articulate a detailed model of order in international politics as some sort of however sophisticated policy proposal, simply because this would be incoherent with the argument developed so far.

This research suggests indeed that, in parallel with philosophical discussions on the concept of order in general, order in international politics as well appears as a *logos*, and consequently as a dynamic *energeia*, rather than as a static *ergon*. Order can be articulated in many different fashions in accordance with the historical circumstances in which the forces which shape it operate. Literature on the topic agrees on the point that any conception of order should entail, along with an

[115] Steve Smith, "*The Forty Years' Detour: The Resurgence of Normative Theory in International Relations*", in *Millennium: Journal of International Studies*, Vol. 21, No. 2, 1992, pages 489–508.
[116] Charles A. Jones, "*Christian Realism and the Foundations of the English School*", in *International Relations*, 17 (3), 2003, pages 371–387.
[117] Michael C. Williams, *The Realist Tradition and the Limits of International Relations*, Cambridge: Cambridge University Press, 2005, Chapter 3.
[118] Robin W. Lovin, *Reinhold Niebuhr and Christian Realism*, Cambridge: Cambridge University Press, 1995. See also his later work: *Christian Realism and the New Realities*, Cambridge: Cambridge University Press, 2008.

account of its dynamicity, both a descriptive and a normative dimension, as order serves both as linguistic articulation of the arrangement of reality as a discourse, and as the evaluation of the appropriateness of social action. The content of any historically situated conception of order appears to be a function of underlying foundational discourses informing the normative dimension of order, although these in turn should not be separated from politics and power struggles. Understanding order, and even more drafting innovative models of order, ought to start from the problematisation of those underlying discourses. Eventually however, the choice of what kind of order is supposed to inform a certain time remains an act of political will.

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